

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA FAYETTEVILLE CITY COUNCIL JANUARY 4, 2000

A meeting of the Fayetteville City Council will be held on January 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

- **NOMINATING COMMITTEE REPORT**

- A. CONSENT AGENDA**

- 1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the December 21, 1999 City Council meeting.
 - 2. **MT. SEQUOYAH WATER TANK LEASE:** A resolution approving an amendment to the lease agreement with Mt. Sequoyah, Incorporated for the right to sub-lease space on or above the water tank.

- B. OLD BUSINESS**

- 1. **RZA 99-3:** An ordinance approving an amendment to Ordinance 4187 which annexed property owned by John DeWeese and Mike Schmidt in the City of Fayetteville. The amendment is to correct an error in the legal description.
 - 2. **VA 99-13:** An ordinance approving vacation request VA 99-13.00 submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right-of-way located west of Club Oak Drive within Edge Hill Subdivision. This item was left on the second reading at the December 21, 1999 meeting.

C. NEW BUSINESS

1. **RZ 99-33:** An ordinance approving rezoning request RZ 99-33.00 submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street, and north of Rock Street. The property is zoned R-2, Medium Density Residential, and R-O, Residential Office, and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.
2. **RZA 99-4:** An ordinance approving annexation request RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th Street and bound on the east by County Road 648. The request is to annex the approximately 320 acres.
3. **VA 99-15:** An ordinance approving vacation request VA 99-15.00 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary Development Corp. for property located at Lots 3R and 8 of Wedington Place. The request is to vacate the 20-foot utility easement between Lots 3R and 8 and a portion of a 15-foot drainage easement located within Lot 8.
4. **A&B's TAXI:** A resolution approving a Certificate of Public Convenience and Necessity for A&B's Taxi.

CHECKLIST FOR CITY COUNCIL MEETING: 1/14/2000

AGENDA DUE:	Draft	Tentative	Agenda Session	Final
DATE:	<u>12/20/99</u>	<u>12/22/99</u>	<u>12/28/99</u>	

DISTRIBUTION:	T	A	F	Staff:	T	A	F
Bob Reynolds	✓	✓		Mayor Hanna	✓	✓	
Ron Austin	✓	✓		John Maguire	✓	✓	
Cyrus Young	✓	✓		Nancy Hendricks	✓	✓	
Kyle Russell	✓	✓		Charles Venable	✓		
Trent Trumbo	✓			Don Bunn	✓	✓	
Bob Davis	✓	✓		Marilyn Cramer	✓		
Kevin Santos	✓	✓		Steve Davis	✓		
Heather Daniel	✓	✓		Yolanda Fields	✓		
				Jerry Rose	✓		
Northwest AR Times	✓	✓		Tim Conklin	✓		
Morning News	✓	✓		Alett Little	✓		
AR Democrat-Gazette	✓	✓					

- ☐ **Draft Agenda**
- ☒ Check for Additional Items
- ☒ Mail Notification Letters to Applicants / Property Owners 12/27/99
1X DAY
- ☐ **Tentative Agenda**
- ☐ Include all contracts
- ☐ Include budget adjustments
- ☐ All signatures on Staff Review Form
- ☐ Page numbers correct
- ☒ 24 copies of agenda packet distributed to Distribution
- ☒ 34 copies of agenda cover distributed to general staff
- ☒ 10 copies of agenda cover placed in City Clerk's office agenda cubbybox
- ☒ Put minutes cover (items approved) on front of agenda

Continued: CHECKLIST FOR CITY COUNCIL MEETING: ____/____/2000

☐ **Agenda Session**

- ☐ Attendance
- ☐ Additional Information
- ☐ New Information
- ☐ Requested Information
- ☐ Distribute Agenda Session packet to anyone absent
- ☐ Make sure Lana / Marilyn have their copies

*From Robert.
MHP of VA
COPY OF TAXI ORD. Nominating comm. report
youth center*

☐ **Final Agenda**

- ☒ Additional Information
- ☒ Minutes
- ☒ All signatures on Staff Review Form and executed contracts (other side)
- ☒ Include all contracts
- ☒ Include budget adjustments
- ☒ 24 copies of agenda packet distributed to Distribution
- ☒ 34 copies of agenda cover distributed to general staff
- ☒ 15 copies of agenda cover placed in City Council entry box
- ☒ Advertisement
 - ☒ Display ad faxed to NWAT, Friday, 11:00 a.m.
 - ☒ Fax proof checked / returned to NWAT by Friday afternoon
 - ☐ Cut out Final Agenda from Monday newspaper
- ☒ Internet disk: approved minutes, agenda, public meetings to Kevin Springer

☐ **City Council**

- ☒ Roll tally
- ☒ Assemble and bring full agenda
- ☐ Resolutions / Ordinances:
 - ☐ Resolutions / Ordinances assembled and signed
 - ☐ Update Resolutions / Ordinances Book
 - ☐ Attach correspondence / conversations to Resolutions / Ordinances
 - ☐ Resolutions / Ordinances indexed and microfilmed
 - ☐ Publish ordinances
 - ☐ File ordinances at Washington County Courthouse
 - ☐ Distribute originals and copies with cover letters
 - ☐ Send ordinances for codification
- ☐ Thank you letters to speakers
- ☐ Send notification letters to applicants
- ☐ Index City Council minutes
- ☐ Distribute City Council minutes
 - ☐ Planning
 - ☐ Marilyn Cramer
 - ☐ Arthur Andersen
 - ☐ Public Library

CITY COUNCIL JANUARY 4, 2000

ROLL	Roll		Nominating cy.		
SANTOS	✓		✓		
YOUNG	✓		✓		
RUSSELL	✓		✓		
REYNOLDS	✓		✓		
AUSTIN	✓		✓		
DAVIS	✓		✓		
TRUMBO	✓		✓		
DANIEL	✓		✓		
MAYOR HANNA	✓				
	H HD. Consent		2-0-0.		
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	2-0-0. BD 2nd. RZA 99-3.	KS 3RD HD	PASS.		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	8.		2-0-		

CITY COUNCIL JANUARY 4, 2000

ROLL					
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA	A				
	FAILED → 229-33	CS 2ND H HD 3RD	PASS		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	8-0.	8-0	8-0-0.		
	H HD. 2ND 22A. 99-4	H 22 3RD	PASS		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	8-0.	7-0.	8-0.		

FRANK
SCOTT.
LINDA
PETERSON?

BILL JOWERS.
116
MST.

CITY COUNCIL JANUARY 4, 2000

ROLL	VA 99-15 RA 3RD BD 3RD	BD HD. 3RD	PASS		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	7-0-0. A+B taxi.	7-0-0. H KS.	7-0-		
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	7-0-0.				
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
MAYOR HANNA					

Revised January 3, 2000

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
DECEMBER 21, 1999**

A meeting of the Fayetteville City Council was held on December 21, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Young, and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; Audience.

Absent: Kevin Santos

ITEM CONSIDERED

ACTION TAKEN

Nominating Committee report	Approved	
Approval of the Minutes	Approved	
Park Land Waiver: Summit Development	Approved	Res. 162-99
Trolley Operations Contract	Approved	Res. 163-99
Pay Plan Adjustment	Approved	Res. 164-99
2000 Complete Count for U.S. Year 2000 Census	Approved	Res. 165-99
Highway 265 Sidewalks	Approved	Res. 166-99
VA 99-13	<i>Left on the second reading</i>	
RZ 99-32	Passed	Ord. 4205
2000 Annual Budget and Work Program	Approved	Res. 167-99
Wheeler Water Association: System Purchase	Approved	Res. 168-99
Policy and Procedures: New Investment Policy	Approved	Res. 169-99
Highway 265 Condemnation	Passed	Ord. 4206

**MINUTES OF A MEETING
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Present: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Young, and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; Audience.

Absent: Kevin Santos

• **NOMINATING COMMITTEE REPORT:**

Alderman Daniel moved to appoint:

Airport Board	Charles Wallace
Cable Board	Kevin McDonald
Historic District	Jarrold Adkisson
Housing Authority	Dan Hudspeth
Parks and Recreation	Bill Ackerman and Judie Nickell
Public Library Board	Richard Alexander
Tree and Landscape	Bill Dollar, David Whitaker, Scott Starr, Michael Campbell, James Gibson, and Janet Coleman.

Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes of the December 7, 1999 City Council meeting.

PARK LAND WAIVER

A resolution approving a waiver of Ordinance 3793 to accept money in lieu of the land dedication requirement. The developer for the proposed subdivision is Summit Development. The property is located south of Highway 16 West and west of Shiloh Drive.
RESOLUTION 162-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TROLLEY OPERATIONS

A resolution accepting a renewal agreement with Jones Transportation Services for Trolley Operations for the period of January 1, 2000 through December 31, 2000.

RESOLUTION 163-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PAY PLAN ADJUSTMENT

A resolution adopting a year 2000 pay plan for hourly, salaried, executive and civil service, fire and police personnel.

RESOLUTION 164-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

2000 COMPLETE COUNT

A resolution approving an interlocal agreement between the County and incorporated cities within Washington County. The agreement authorizes the creation of a Washington County Complete Count Committee for the purpose of facilitating the Year 2000 Census.

RESOLUTION 165-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HIGHWAY 265 SIDEWALKS

A resolution authorizing the payment of \$53,579.00 to the Arkansas Highway and Transportation Department for the City of Fayetteville's cost to install sidewalks along Highway 265, between Highway 16 East and Highway 45.

RESOLUTION 166-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the Consent Agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

VA 99-13.00

An ordinance approving vacation request VA 99-13.00 submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right-of-way located west of Club Oak Drive within Edge Hill Subdivision. This item was left on the first reading at the December 7, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

Alderman Reynolds stated he had received three phone calls from neighbors who lived on Country Club Hill. They had asked for an extension so that they could do more research on the request. He suggested it be left on the second reading.

Mr. Rose stated he had received a phone call and visit on the same issue. The people who had

spoken with him had advocated tabling the item rather than placing it on the second reading, because it might take longer than two weeks before the item could be revisited.

Alderman Reynolds moved to table the item. Alderman Austin seconded the motion.

Mr. Buddy Peoples stated they were requesting to vacate the street. His concern was that they were prepared to go ahead with the vacation. He wanted to get this over with. It was not his request to table the item.

Alderman Young stated he had looked at the request after the last meeting. In order to construct the street there would need to be a nine-foot fill. It would be very expensive and they would have to have an additional right-of-way for the road.

Aldermen Reynolds and Austin withdrew their motion.

Mr. Peoples stated he did not know what the opposition was. He said they had every person within the subdivision sign a petition to vacate the street, with the exception of one person. That one person had agreed to be neutral. The Planning Staff and Planning Commission both recommended approval of the vacation.

Ms. Sylvia, an area resident, stated she and two of her neighbors had gone through the neighborhood asking people for their input on the vacation of the right-of-way. She presented a petition with the signatures of ninety-five people who wished to have the right-of-way vacated. That represents seventy-one households. She stated that very few would not sign. There are two other entrances and exits to and from Mr. Scott's property they would like to see one house built on Club Oak Street to complete the street. They would like the neighborhood to remain quiet, rather than directing traffic from a subdivision through their neighborhood.

Alderman Russell stated he was not going to base his opinion on speculation and second-hand information. He said those with an opinion in this matter should write a letter or come before the City Council.

Alderman Daniel thought it was important not to rush these matters.

Ms. Linda Salmonson stated she had lived in the area for three and half years. She read a letter from one of the other residents encouraging the vacation of the street.

Alderman Trumbo stated the Planning Commission is a good group of people, but they should not approve everything that they did. There were many different ways to look at an item.

Mr. Frank Scott stated he was the affected property owner to the west of this subdivision. In

1969 this street had been platted as 28th Street. It had been changed to Court Street, and was shown on the City map as having been built. It is the only public street which adjoins his property. Peach Street serves only one third of his property. Ravenswood stops short of his property. He has to maintain the portion of the road to his property. He stated it is his understanding that you are entitled to a street to your property and access to your property, citing the Supreme Court of Arkansas in 1959, the Case of *Robert v Pace*. The court held that the entire closing of an alley was not valid because not all of the adjoining property owners had given their written consent as required by statute. Mr. Scott questioned what the correct slope of the property was.

Alderman Young stated his concern was the amount of fill they would have to add in order to meet the minimum grade to conform to the City's ordinances.

Mr. Scott stated he was not convinced that the slope is any steeper than that of 24th Street. He still felt that he needed access to the western part of his property, which is one half of his property. With the street closing, he was not sure he would ever have that access. It is the closest any street comes to the southwestern portion of his property.

Mr. Dave Jorgensen, Jorgensen and Associates, stated he had platted the subdivision. One of the reasons the street was not constructed was that it was too steep. According to the new ordinances, the maximum allowable grade is 10% with the provision for a 15% grade for a maximum distance of 300 feet in the case of hilly terrain. He had surveyed the elevations and they had come up with 19.4%. They had rounded it off to 20% in a previous report. The City staff had also measured from the existing street and down the hill. They had averaged 18.4%, which was relatively close to his figures. The figures would be closer if they used the same measurements and ran the same elevations. He thought they would be hard-pressed to build a road under the new requirements, unless they were able to get a waiver from the City Council.

Alderman Young added they could fill it in to meet the minimum percentage, but in order to do that they would need an additional right-of-way. He did not think it was practical to construct the road.

Mr. Venable stated he had looked at the street and the City had done a survey. Another requirement was that they had to have a minimum of 4% which would tie into the street for 100 feet. By cutting and filling they could get a 15% grade in, but it would extend further than the 300 feet and would go approximately 100 to 150 feet onto Mr. Scott's property. They could not get the street in within the 50 feet, without constructing retaining walls or having waivers.

THE ITEM WAS LEFT ON THE SECOND READING.

RZ 99-32.00

An ordinance approving rezoning request RZ 99-32.00 submitted by Stephan Thetford for property located at 3351 W. Wedington Drive. The property is zoned R-O, Residential Office and contains approximately 0.69 acres. The request is to rezone the property to C-1, Neighborhood Commercial. This item was left on the second reading at the December 7, 1999 City Council Meeting.

Mr. Rose read the ordinance for the third and final time.

There was no public comment.

Upon roll call the ordinance passed unanimously.

ORDINANCE 4205 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

2000 ANNUAL BUDGET AND WORK PROGRAM

A resolution adopting the 2000 City of Fayetteville Annual Budget and Work Program. This item was tabled at the December 7, 1999 meeting.

Alderman Davis asked if the City could have the Hay Plan, which surveyed employee salaries, conducted every year rather than every other year.

Mr. Don Bailey, Personnel Director, explained that they look at what the inflationary factors are. As long as they are in the low single digits, he thought biannual surveys were sufficient. If the inflationary factors reach double digits, then they would have to look at it annually. A survey would usually cost around \$8,000 to \$10,000.

Alderman Davis expressed concern about the airport's deficit carrying into the future. Luckily there were enough reserves to fund the deficit this year. They had spent a lot of money down there in the last few years. He stated it was a good airport and they were constructing new hangars to increase usage. He thought they needed to try to increase private aviation.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 167-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

WHEELER WATER ASSOCIATION

A resolution approving a purchase agreement for the Wheeler Water System.

Mr. John Maguire, Administrative Services Director, stated the purchase contract would be approximately \$140,000, and they would deduct from that the amount of cash in the bank at closing. They currently did not know the amount.

Alderman Daniel asked how this would benefit the City.

Mayor Hanna explained they were buying the water lines going to Wheeler from the City's existing system, which they owned now. The City could then allow hook-ups from other subdivisions. There had been one or two subdivisions which had hooked on to a portion of the system. This had caused a problem on the water rate structure. With this purchase they could develop in the area without having separate water rates, which had caused controversy in the past between the Wheeler Water Association and the City of Fayetteville. He gave Mr. Maguire and Mr. Rose credit for working out an agreement with the Wheeler Water District.

There was no public comment.

Alderman Reynolds moved to approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 168-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

INVESTMENT POLICY

A resolution approving a new investment policy to replace Policy Acct. 2 (effective July 2, 1996) in the City of Fayetteville Policy and Procedures Manual, as permitted by State of Arkansas Act 1341 of 1999.

Mayor Hanna explained this was an opportunity for the City to make a little more money on the reserve money they had invested. He stated this did not change how they could invest their money, it changed how they could negotiate their reserves with the bank that paid them interest on their money. It allowed the City to get another quarter of a percent interest.

Alderman Davis stated they were also limiting people that could participate. The policy required them to have an office within the City of Fayetteville. He thought local companies had enough expertise in this area to take care of any of the needs the City might have and there was no reason to go outside of Washington County to use taxpayer money.

Alderman Daniel moved to approve the resolution. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 169-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HIGHWAY 265 CONDEMNATION

An ordinance authorizing the City Attorney to seek possession of certain lands located along Highway 265 in the City of Fayetteville, Arkansas by the Power of Eminent Domain, in association with the required easements for the Highway 265 Water and Sewer Relocation.

Mr. Rose read the ordinance for the first time.

Mayor Hanna explained there was some doubt on the title of the property in question. This was the only way they could proceed with the project without holding it up.

Alderman Russell moved to suspend the rules and go to the second reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

There was no public comment.

Mr. Rose read the ordinance for the second time.

Alderman Daniel moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4206 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ANNOUNCEMENTS

Y2K REPORT

Alderman Austin stated the committee had had their last meeting. He thanked Heather Woodruff and Kyle Russell and the other staff members who served on the committee. He encouraged the aldermen to keep the report handy until after the new year. People had been encouraged to call their aldermen if there was a problem. He stated the report should terminate the committee.

Mayor Hanna thanked Alderman Austin for all the work he had done on the committee.

TOWN CENTER HEARING

Mr. Rose reported on the hearing proceeding regarding the Town Center. They had gone before Judge Mary Ann Gunn on a request for summary judgement. He stated this was a very important decision for the City. They were on their sixth amended complaint. Summary judgements are hard to get. The City had to convince the judge that there was no issue of material fact left to be heard. The only thing the judge had to do was to apply the law to the undisputed facts and every inference that could be given those facts. The judge said that the City may use other money besides that from the bond issue to construct the Town Center. The judge had previously told the City they could use the A&P monies. Today the judge said that they may use parking fund money for the town center parking part of the project. She said that they may use general fund money had a general proposition. They may use City sales tax money for the town center and other City services including capital improvements. The City had not convinced her that there was not some additional facts to be developed. They were going to have to develop some more facts on the issue of the City's portion of the county sales tax and the City roll forward procedure as it applied to any problems they may have with constitutional prohibition of contracting for more money than their revenues produced in a year.

Meeting adjourned at 7:40 p.m.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of December 7, 1999.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA 99-13.00 submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right of way for 28th Court located west of Club Oak Drive within Edge Hill Subdivision.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission voted to approve the vacation request with a vote of 5-2-0. Commissioners Estes and Johnson voted against the motion.

Division Head

11-19-99

Date

Department Director

11-22-99

Date

Administrative Services Director

11-22-99

Date

Mayor

11/22/99

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

PC Meeting of 08 Nov 99

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Street Right of Way Vacation
Buddy R. Peoples

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, Staff Engineer
DATE: November 4, 1999

Project: VA 99.00-13.00: Vacation (Peoples, pp 679) was submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right of way for 28th Court located west of Club Oak Drive within the Edge Hill Subdivision.

This project was tabled at the October 25, 1999 Planning Commission Meeting in order to determine the actual grade of 28th Court and to determine the existing access onto the adjacent property owner's property. See the attached drawings for these findings.

Recommendation: Approval of street right of way vacation subject to the following items:

1. All easements shall be retained as requested by the City and utility companies.
2. A property line adjustment shall be processed in order to combine lots 20, 25 & 26 into one large lot. This is necessary in order to avoid the creation of tandem lots. Only one structure shall be permitted on this property which will be accessed from Club Oak Drive.

Background:

The applicant has submitted the adjacent property owner notification forms as required. One property owner, Mr. Frank Scott (owner of the property to the west) did object to the proposed vacation stating, "*The elimination of the right of way for this street would seriously hinder possible future development of my property on the west, which could be served by this street.*" All other adjacent property owners stated that they had no objection to the proposed right of way vacation.

After the October 25, 1999 Planning Commission meeting, staff received a copy of Mr. Scott's property description. This deed description was used to create several maps as requested by the Commission. Maps included with this report indicate that the Scott property is immediately adjacent to approximately 278' of City right of way for Ravenwood Drive located at the northeast corner of the property. This property also has access along the western property line to undeveloped City right of way for Peach Street (approx. 30').

Also included with this staff report is a memo dated February 26, 199 from the City Engineering Division which provides examples of approximate street grades within the City of Fayetteville.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - No service in area.

Southwestern Electric Power Company - No objections provided that a 15' Utility Easement be provided from Lots 21-25 to Lots 20-26.

Arkansas Western Gas - No objections provided that a 25' Utility Easement be provided for all existing gas lines.

SW Bell - No objections provided that a utility easement 7.5' in wide be provided at the rear lot line of Lots 20, 21, 25, and 26.

TCA Cable - No objections provided that a 15' Utility Easement remains in the rear of and between Lots 20 and 21.

City of Fayetteville:

Water/Sewer - No objections provided that any water and/or sewer plans for Lots 25 and 26 must be approved prior to installation. These may require a public utility easement and/or water/sewer extensions.

Street Department - No objections.

Solid Waste - No objections.

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

Date: 11/08/99

Comments:

CITY COUNCIL ACTION: yes Required
_____ Approved _____ Denied

Date: / /

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

ENGINEERING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Ron Petrie P.E., Staff Engineer
THRU: Tim Conklin, Planning Director
DATE: November 8, 1999
SUBJECT: Street Right-of-Way Vacation (VA 99-13.00)

Upon request by the Planning Commissioners present at the November 4, 1999 Agenda Session, the following information is offered for this right-of-way vacation:

According to as-built plans, the steepest grade on the reconstructed portion of 24th Street is 15.80%. This grade is shown to extend for approximately 400 feet.

The Minimum Street Standards that were adopted by the City Council on August 6, 1996 states, "*The maximum allowable grade for local streets shall be 10 percent with a provision for a 15 percent grade for a maximum distance of 300 feet in the case of hilly terrain.*"

Based upon the fact that access to Mr. Scott's property can be obtained from existing right-of-way at areas which do not exceed the maximum allowable slope, the Engineering Department does not object to this proposed vacation.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Alett Little, Planning Management Director
From: Jim Beavers, Engineering
Date: 26 Feb 96
Re: street slopes

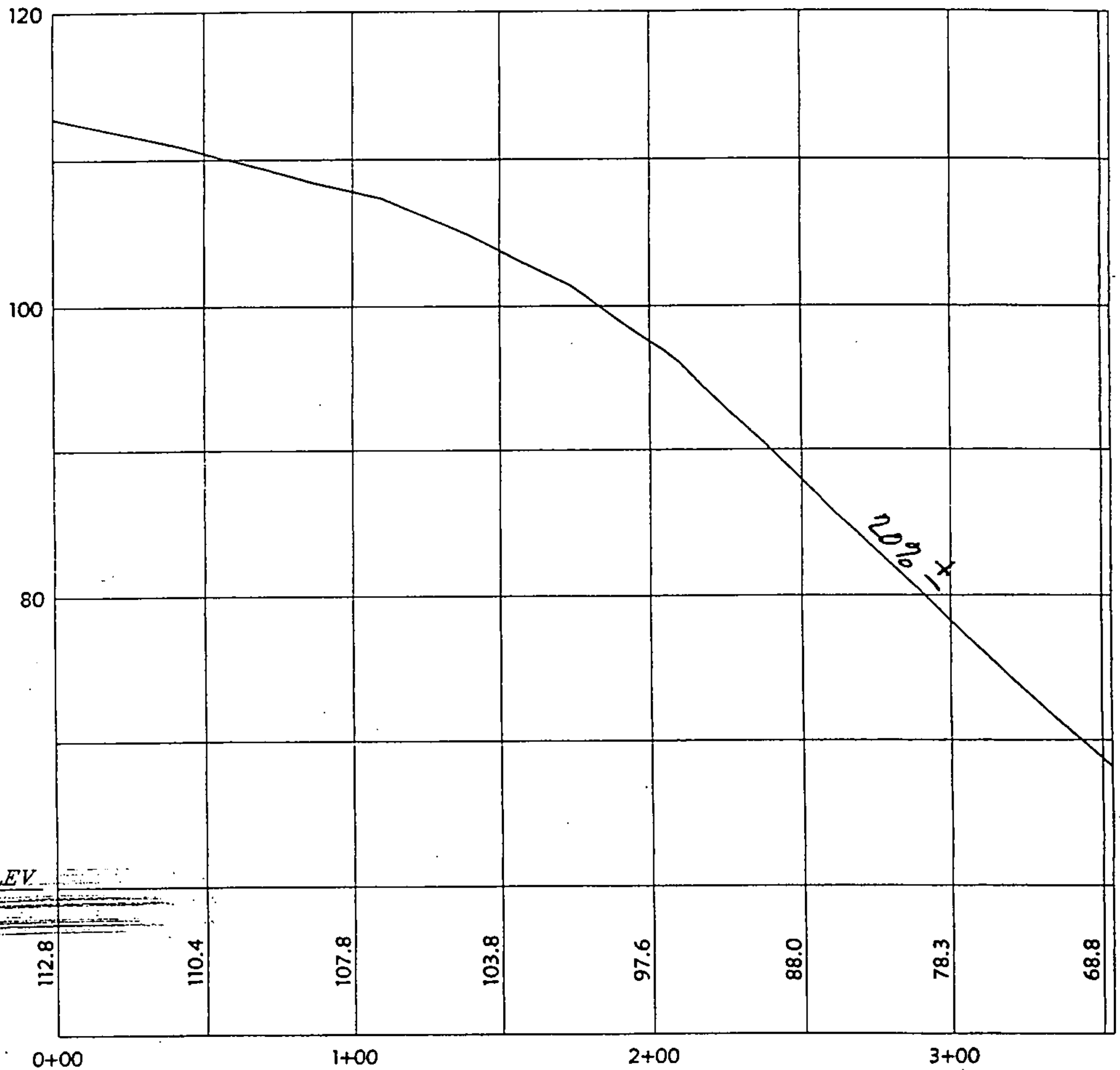
The following street slopes/grades are furnished as requested. Please note that the slopes are approximate and are based upon topographic maps, and not as-builts or surveys. Thus the slopes listed are slightly greater than actual slopes.

<u>street</u>	<u>average slope</u>	<u>maximum slope</u>
- Township (N. College to Jimmie)	9 %	13 %
- Ash (east of N. College)	5.5	12.5
- North Street (N. College to Hillcrest)	8%	14.3
Rockwood Trail (western half)	8.5	16.5
Rogers Drive (south from Southern Heights)	12.5	16
Center Street (west of Schhol St.)	5.4	11.5
Dickson Street (east of N. College)	7.2	13.8
Meandering Way	9.3	13.5
Victoria Way	11	14.4
Marvin Gardens (proposed)	10	15
- Cleveland (west of Razorback)	7	10.4

Rock Street	10.2	12
Woolsey	11.3	20
Sunset Drive	10.5	20
Ruth	16	20
Anson (western half)	9	20
Arlington Terrace (west face)	18	23
Sycamore (Gregg to Woolsey)	9	13
Maple Street (east face)	6	8
Maple Street (west face)	10	13

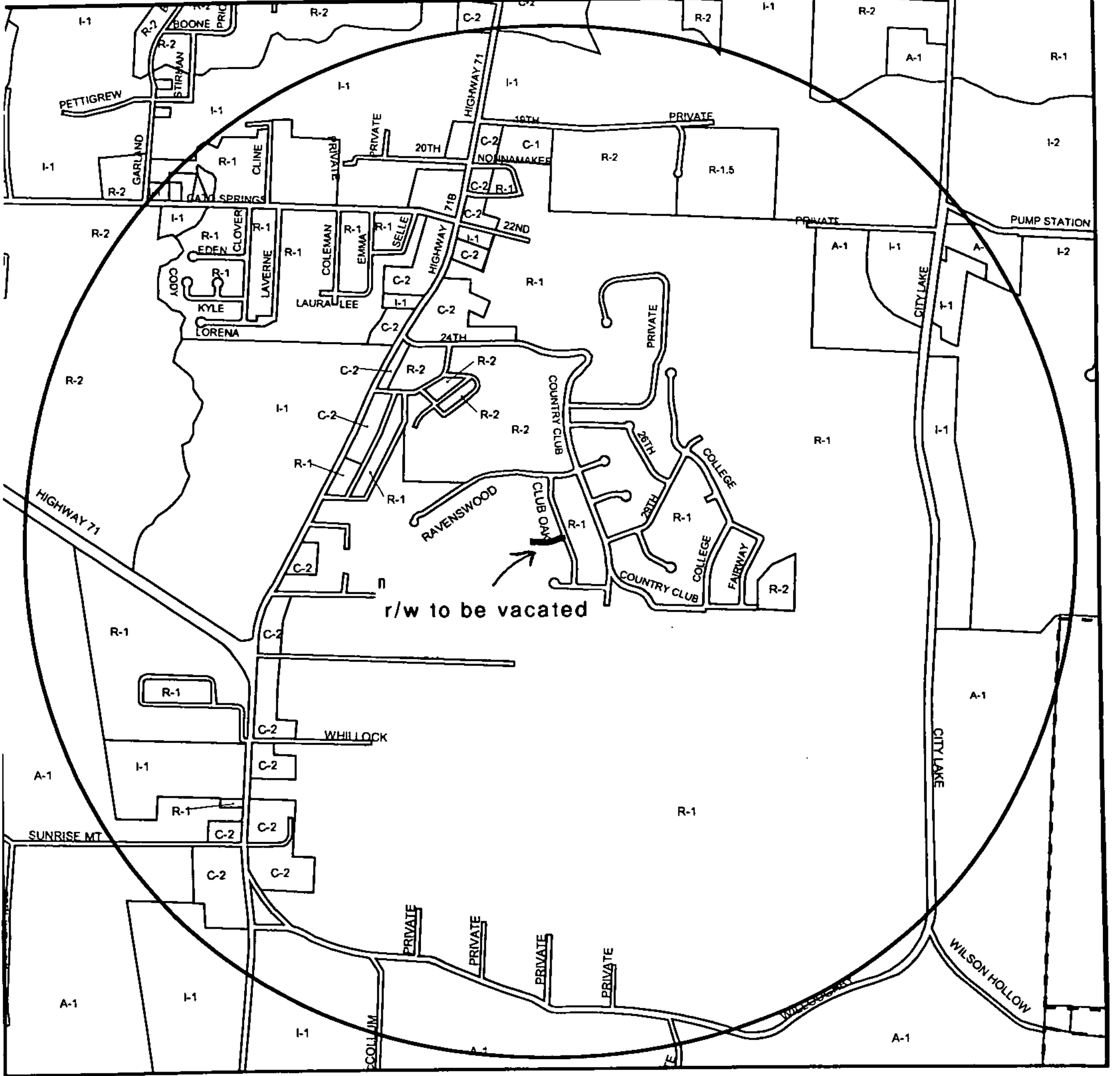
Street Profile

28th Court

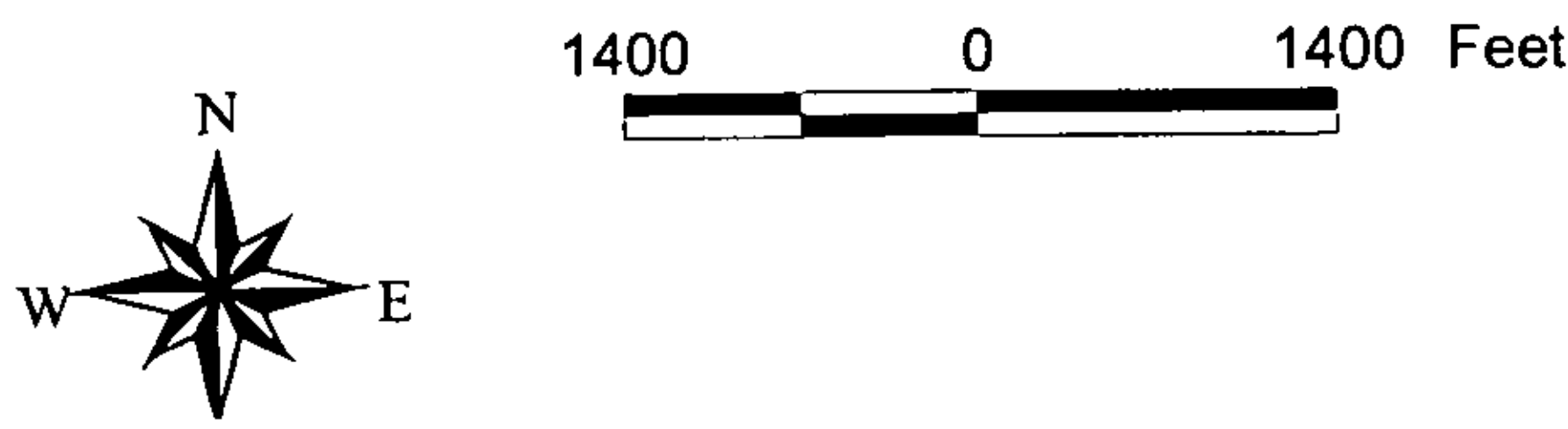


HORIZ = 1" = 50'
VERT = 1" = 10'

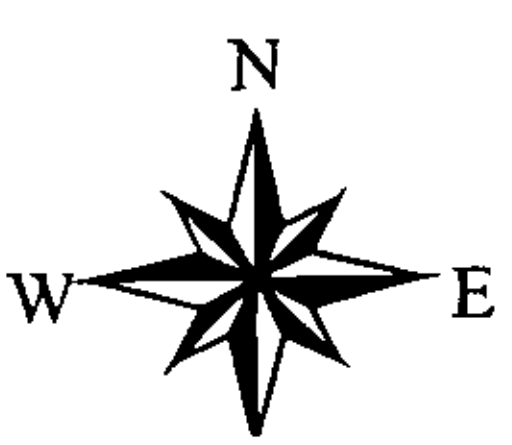
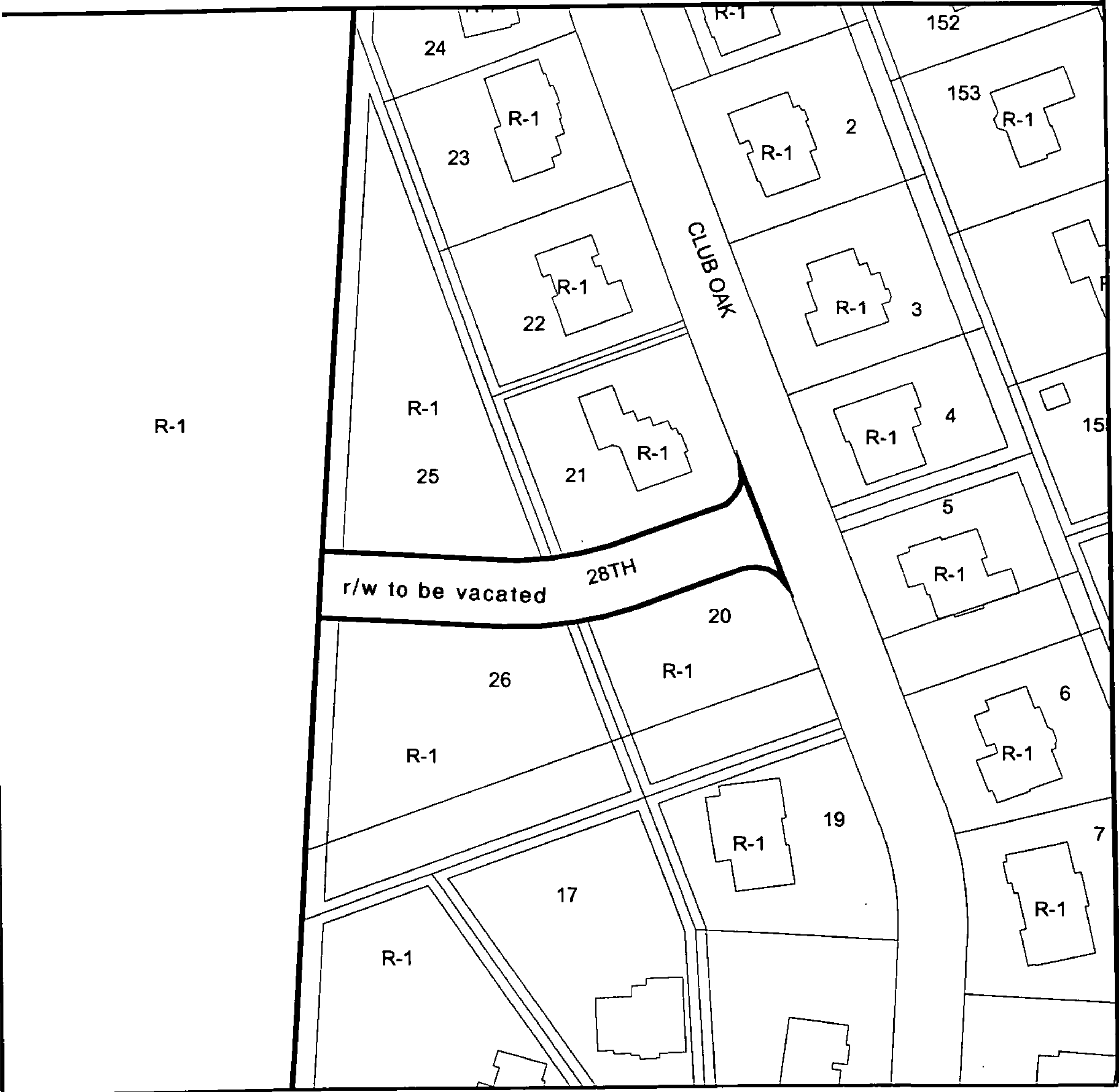
VA99-13.00 - Peoples - One Mile Diameter



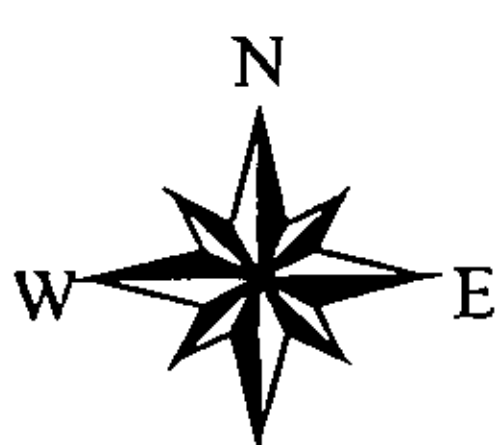
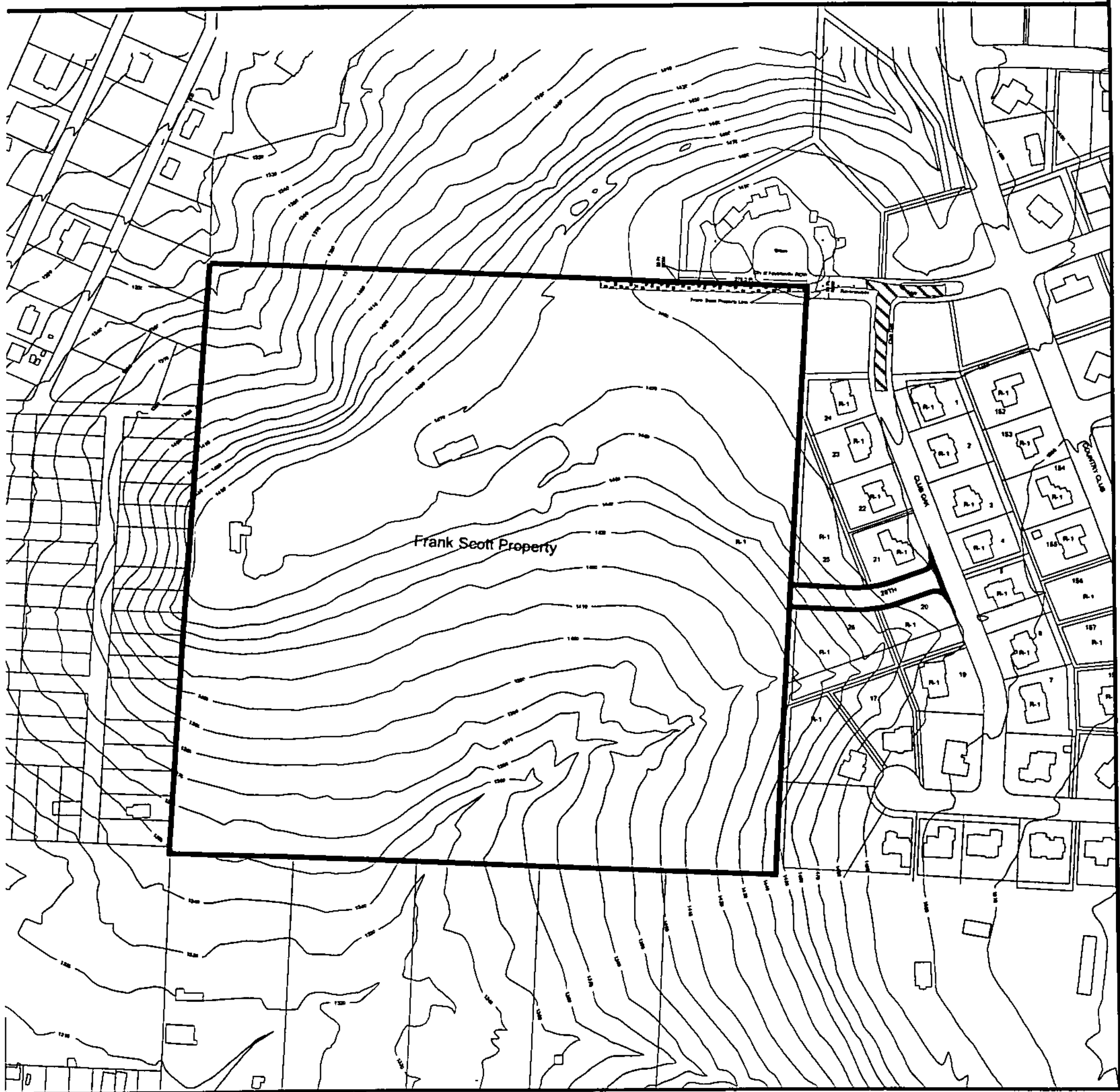
r/w to be vacated



VA99-13.00 - Peoples - Close Up

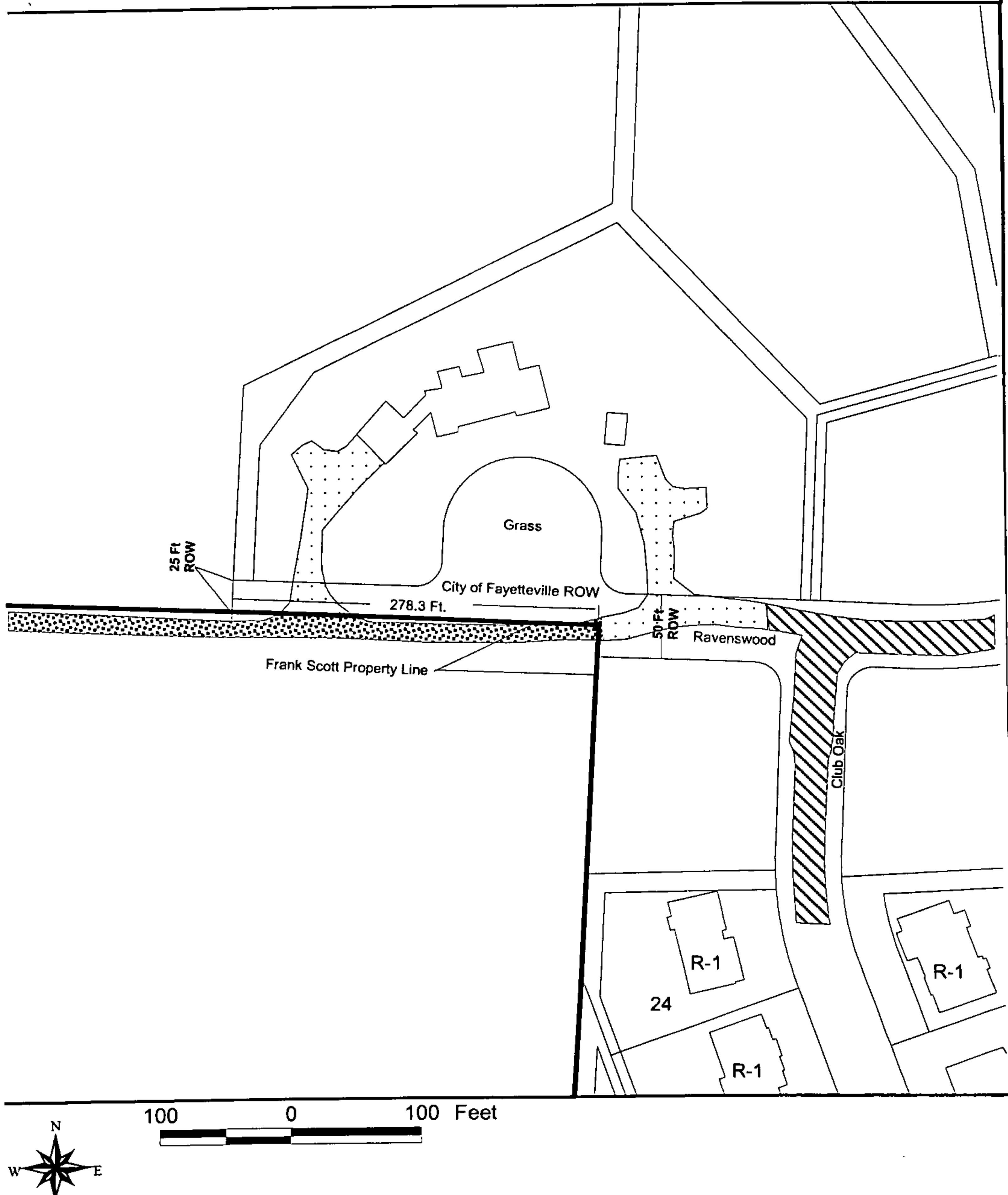


VA99-13.00 - Peoples - Supplementary

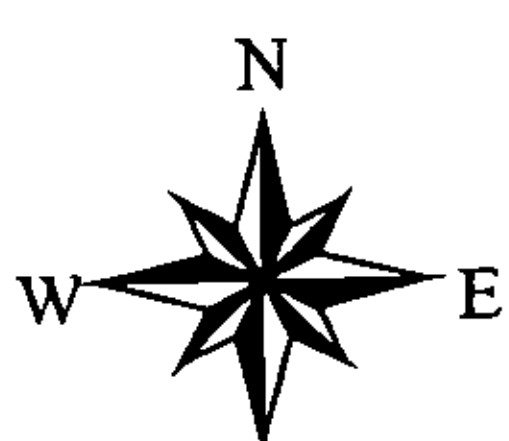
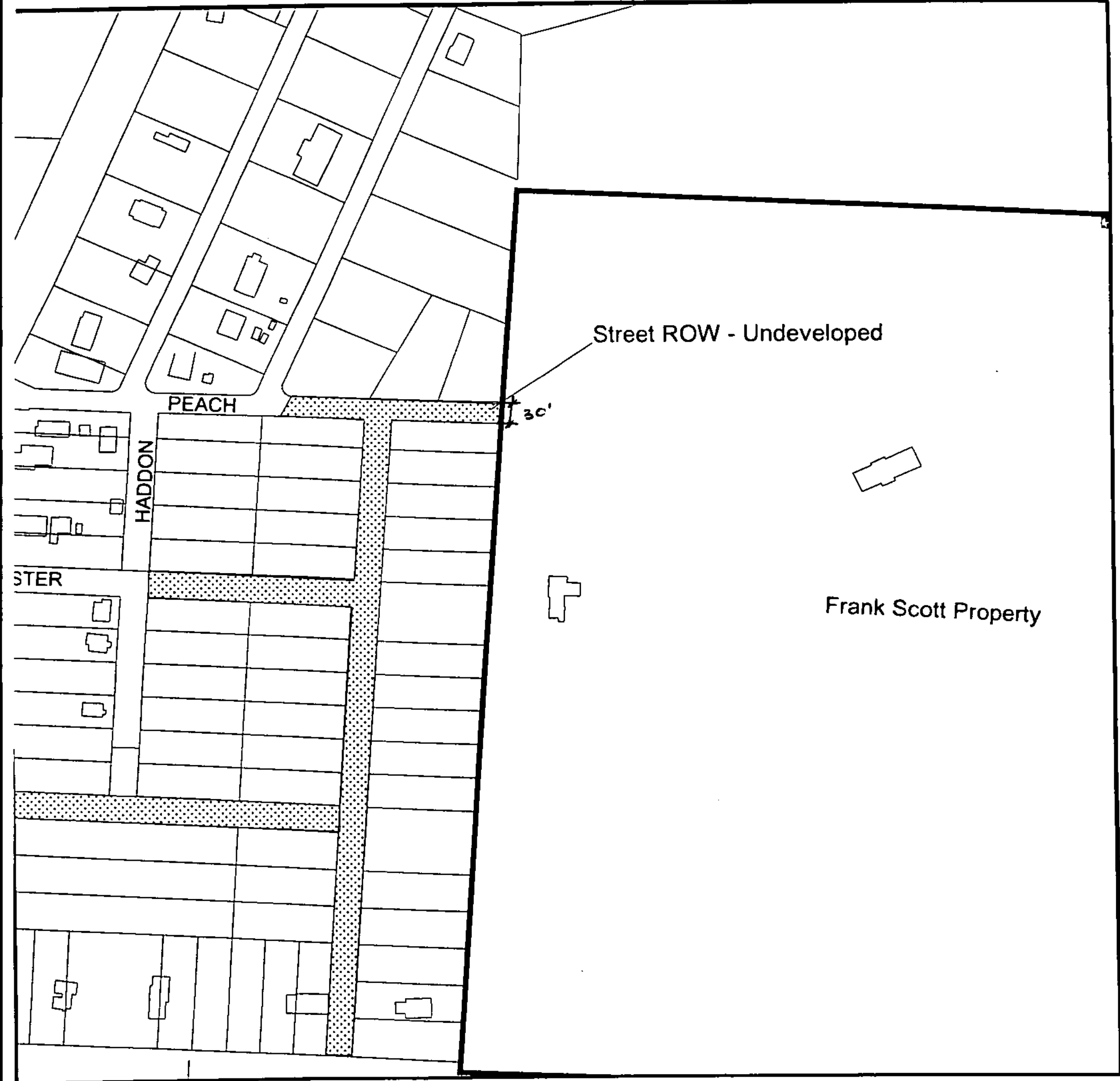


300 0 300 Feet

VA99-13.00 - Peoples - Supplementary Drawing



VA99-13.00 - Peoples - Supplementary



200 0 200 Feet

**VA99-13: VACATION
PEOPLES, PP679**

This item was submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right of way for 28th Court located west of Club Oak Drive within Edge Hill Subdivision.

Buddy Peoples was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the street right of way vacation subject to the following items:

1. All easements shall be retained as requested by the City and utility companies.
2. A property line adjustment shall be processed in order to combine lots 20, 25 & 26 into one large lot. This is necessary in order to avoid the creation of tandem lots. Only one structure shall be permitted on this property which will be accessed from Club Oak Drive.

Commission Discussion

Johnson: This is an item of old business. We looked at this at our last meeting and we asked that staff give us some more information.

Conklin: At the last meeting, staff was asked to look at Mr. Scott's property and determine where he has public access. He has 278 feet of frontage along Ravenswood Drive on the northeast corner of property. The property also has access along the western property line to undeveloped city right of way for Peach Street which is approximately 30 feet wide.

Petrie: We have received a revised profile of the street which is proposed to be vacated. This was done by Jorgensen and Associates and shows the grade to be approximately 20% instead of the 40% that was shown on the profile included as part of a prior vacation request. I have included a memo of some items that were requested at the agenda session which was distributed tonight. This provided the grade for 24th Street which is shown to be 15.8% for a distance of approximately 400 feet. I have restated the minimum street standard which states:

"The maximum allowable grade for local streets shall be 10% with a provision for a 15% grade for a maximum distance of 300 feet in the case of hilly terrain."

Another item that was added on pages 2.3 and 2.4, is a memo from Jim Beavers that lists several streets in Fayetteville and what there maximum and average grades are.

Planning Commission Minutes
November 8, 1999
Page 4

Johnson: Page 2.4 is the listing of the maximum grades of existing streets. Under the current minimum streets standards, the maximum the City would allow is a 15% grade.

Petrie: That is correct.

Johnson: The City wouldn't allow a street to be built where Rockwood Trails is now or where Rogers Drive is or several other streets exceeding 15%.

Petrie: Only if a request was made by the applicant for a waiver of that requirement. These streets that are listed over 15%, to my knowledge, were built prior to the adoption of the minimum street standards.

Johnson: I had a phone call today from an adjacent property owner who opposed the vacation of the right of way.

Hoffman: If the property to the west of this were developed, could the street be regraded to meet our street standards if it were needed for a connection? Could 28th Street be regraded in the process of developing this property?

Petrie: The problem with that is it continues down. You couldn't raise just one section without having to fill the entire road bed.

Johnson: On page 2.9, it looks conceivable you might have a steep section and then veer to the north northwest, it might hit a contour which could be followed. Is that possible? Could the steepest part of the slope be avoided?

Petrie: That is true. But, the problem is that the 20% grade on this property runs a distance of over 150 feet. That would make it 7.5 feet higher than what is existing now. You would have to make up 7.5 feet to some point that would make it viable to construct houses. Without getting the exact plan on how this is going to be developed, it is hard to be certain.

Johnson: If you were sitting in a different chair and you were representing a developer, would it be likely you could come up with a feasible plan that you might try to persuade the Commission that this property could be developed.

Petrie: If I was the engineer developing, I would take a much different approach and eliminate a street at this location. I don't think I would want to have to build that.

Marr: On page 2.6, the 20% on this chart, is that the average slope or the maximum slope?

Petrie: That is an average. We only have elevations every 50 feet. So, if you start at station 2, every 50 feet, the actual grade would be 20.8, 19.4, 19.0. 20% is an average.

Hoffman: Based on the memo distributed tonight, you made the statement that because you can access Mr. Scott's property from existing right of way in areas which do not exceed the maximum allowable slope, that the engineering department does not object to the proposed vacation. Is Ravenswood at the northeast corner?

Petrie: Yes. Both those access would be below the maximum grade.

Hoffman: I'm looking at a steeply sloped area on the western part of the Scott property.

Petrie: Extending that straight on, I calculated that to be about 10%.

Public Comment

Sylvia Popejoy, residing at 2851 S. Club Oaks Drive, was present.

Popejoy: My property is on the north side of this proposed street. When I bought my home, I was unaware that there was a street. There is no guttering to identify that as a possible street. I was not very happy to find out that my house was going to be right beside a street. I would prefer that they vacate the street and have this as just a subdivision. The streets are quite narrow and no parking is allowed.

Frank Scott, residing at 380 W. Ravenswood Lane, was present.

Scott: I would like to know who did the street profile? It is not dated and it is not identified.

Petrie: I previously stated that it was done by Jorgensen and Associates.

Scott: Are they the same people that did the 40%?

Petrie: Yes, sir.

Further Commission Discussion

Johnson: Do we have any further verification on the street profile? Typically, we don't send our engineers to do a second opinion.

Petrie: At the last Planning Commission, I noticed the 40% didn't look correct with the

contours. At that time, I scaled it off and it showed it at 20%. The 20% matches our existing data without going out and actually surveying it. I have no reason to question the 20% we have now.

MOTION

Ward: Since Mr. Scott's property does have access on City right of way on Ravenswood and also has 30 feet of right of way on Peach Street, the property therefore will not be land locked. I move to approve VA99-13.

Hoffman: Second.

Johnson: We have the motion by Commissioner Ward and the second by Commissioner Hoffman that we approve vacation 99-13.

Estes: I will not vote for the vacation. The reasons are that when the subdivision was platted, this street was planned. It was platted as a stub out to Mr. Scott's adjoining property. Adjacent landowners have relied on that plat. Here in Fayetteville, we are in the business of building streets on hills. We have had some conflicting information as to the grade. We were first presented with 40% and then 20%. As we look at the streets that have been constructed in our city, we find streets that are at 20% and I believe there are 1 or 2 that exceed 20%. It's for these reasons that I will not vote for the vacation.

Johnson: I also will not vote for the vacation. I concur with the reasons Mr. Estes pointed out. In addition, on a 40 acre tract of property, I think it is very unusual for the Commission to allow only 2 places of ingress/egress. I think we have worked hard to make connections and maybe the time will come when we decide this is impossible to build but we haven't decided that before in the City. We have granted exceptions to the 15% slope. We have major streets that have 20% slopes, I'm just not persuaded that this is realistically impossible to build. Ravenswood is at the northeast and that is just a gravel, 20 foot wide stretch down there. We did tour it.

Conklin: If you refer to page 2.10, there is a close up of the right of way at Mr. Scott's northeast corner where it turns into a gravel drive. There is 25 feet of right of way on the north side and 50 feet total all the way up to the northeast corner.

Odom: I normally don't like vacating streets because, I think, it's hard to get them in the first place. I don't think the ingress/egress is as much an issue in this situation as where it feeds into Club Oak Drive. It is nothing more than a street that comes out where another access to Mr. Scott's property could be developed. This has only 2 areas where access could be developed without waiver from the minimum street standards. I will support this waiver request.

Planning Commission Minutes
November 8, 1999
Page 7

Johnson: I will remind everyone that our vote on vacations is a recommendation that goes forward to the Council regardless of what our vote ends up being.

Roll Call

Upon roll call, the motion passed with a vote of 5-2-0. Commissioners Estes and Johnson voted against the motion.

LEGAL DESCRIPTION:

Beginning at the SW Corner of Lot 25 of the Edge Hill Subdivision thence S $03^{\circ}41'50''$ W 50.00 Feet, thence S $86^{\circ}18'10''$ E 129.63 Feet, thence along a curve to the left 108.72 Feet said curve having a radius of 269.69 Feet and a long chord bearing N $82^{\circ}08'55''$ E 107.98 Feet thence N $70^{\circ}35'58''$ E 75.00 Feet, thence along a curve to the right 39.27 Feet said curve having a radius of 25.00 Feet and a long chord bearing S $64^{\circ}24'02''$ E 35.36 Feet, thence N $19^{\circ}24'02''$ W 100.00 Feet, thence along a curve to the right 39.27 Feet said curve having a radius of 25.00 Feet and a long chord bearing S $25^{\circ}35'58''$ W 35.36 Feet, thence S $70^{\circ}35'58''$ W 75.00 Feet, thence along a curve to the right 88.56 Feet, said curve having a radius of 219.69 Feet and a long chord bearing S $82^{\circ}08'55''$ W 87.96 Feet, thence N $86^{\circ}18'10''$ W 129.63 Feet to the P.O.B. containing 16681.75 s.f.

015 04

City of Fayetteville
Maintenance/Inquiry

9/10/2002
13:12:16

Document Reference	Date	Item Ref.	Action Taken	Brief Description
MIN	1/04/2000	767		ITEM CONSIDERED

Keywords.....: MINUTES APPROVED
MT. SEQUOYAH WATER TANK LEASE
APPROVED RES. 1-00
RZA 99-3 AMENDMENT
APPROVED ORD. 4207
VA 99-13 FAILED
RZ 99-33 PASSED ORD. 4208
RZA 99-4 PASSED ORD. 4209
VA 99-15 PASSED ORD. 4210
A & B TAXI APPROVED RES.2-00

File Reference #.....:
Security Class.....:
Expiration Date.....:
Date for Cont/Referred:
Name Referred to.....:

Retention Type:
**** Active ****

Press Cmd 6 to Update

Cmd1-Return Cmd2-Check Out Cmd8-Retention Cmd3-End Press 'ENTER' to Continue
Cmd5-Abstract Yes No (c) 1986-1992 Munimetrix Systems Corp.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA FAYETTEVILLE CITY COUNCIL JANUARY 4, 2000

A meeting of the Fayetteville City Council will be held on January 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. **CONSENT AGENDA**

- NOMINATING COMMITTEE - REPORT. youth center.*
1. ✓ **APPROVAL OF THE MINUTES:** Approval of the minutes of the December 21, 1999 City Council meeting.
 2. ✓ **MT. SEQUOYAH WATER TANK LEASE:** A resolution approving an amendment to the lease agreement with Mt. Sequoyah, Incorporated for the right to sub-lease space on or above the water tank.

3. **A&B's TAXI:** A resolution approving a Certificate of Public Convenience and Necessity for A&B's Taxi.

B. **OLD BUSINESS**

- had copy of old Remove from consent*
1. ✓ **RZA 99-3:** An ordinance approving an amendment to Ordinance 4187 which annexed property owned by John DeWeese and Mike Schmidt in the City of Fayetteville. The amendment is to correct an error in the legal description.
 2. ✓ **VA 99-13:** An ordinance approving vacation request VA 99-13.00 submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right-of-way located west of Club Oak Drive within Edge Hill Subdivision. This item was left on the second reading at the December 21, 1999 meeting.
- for public hearing. move to new business.*

C. NEW BUSINESS

1. ✓ **RZ 99-33:** An ordinance approving rezoning request RZ 99-33.00 submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street, and north of Rock Street. The property is zoned R-2, Medium Density Residential, and R-O, Residential Office, and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.
2. ✓ **RZA 99-4:** An ordinance approving annexation request RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th Street and bound on the east by County Road 648. The request is to annex the approximately 320 acres.
3. ✓ **VA 99-15:** An ordinance approving vacation request VA 99-15.00 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary Development Corp. for property located at Lots 3R and 8 of Wedington Place. The request is to vacate the 20-foot utility easement between Lots 3R and 8 and a portion of a 15-foot drainage easement located within Lot 8.

4. *Q A+B Taxi - public hearing.*

FAYETTEVILLE

FILE
1/4/2000

THE CITY OF FAYETTEVILLE, ARKANSAS

December 27, 1999

Timothy and Kathy Someren
765 Creek Avenue
Springdale, AR 72764

Dear Mr. and Mrs. Someren:

This letter is to notify you of a vacation request submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary of Clary Development Corp. for property located at Lots 3R and 8 of Wedington Place. The request is to vacate the 20foot utility easement between Lots 3R and 8 and a portion of a 15 foot drainage easement located within Lot 8. This item will be on the January 4, 2000 City Council agenda.

You are invited to attend the City Council meeting at 6:30 p.m. on January 4, 2000 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas. If you are unable to attend the meeting and would like to voice your concerns, you are welcome to call the City Clerk's office at 575-8323 or your aldermen.

Sincerely,

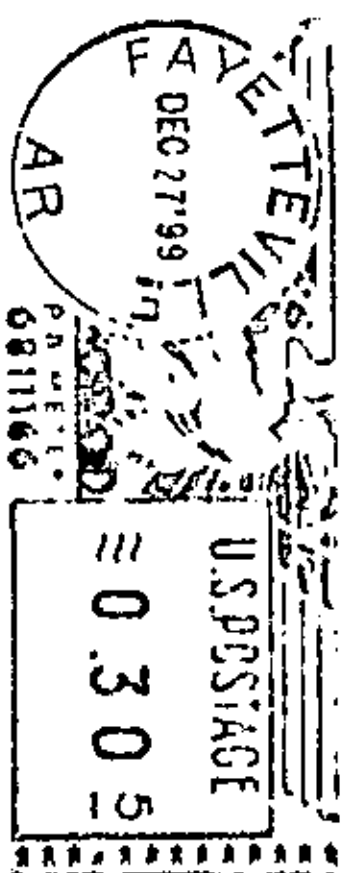

Heather Woodruff
City Clerk

FAYETTEVILLE

~~FAYETTEVILLE CITY OFFICE~~
THE CITY OF FAYETTEVILLE, ARKANSAS
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701



RESERVED
FIRST CLASS



Timothy and Kathy Someren
765 Creek Avenue
Springdale, AR 72764

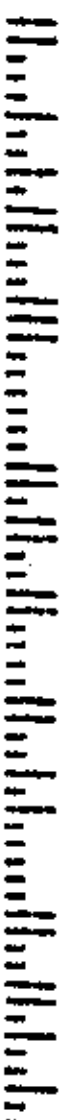
PLEASE

FORWARD



SOME755 727642019 1599 07 12/29/99
RETURN TO SENDER
VAN SOMEREN, TIMOTHY N
PO BOX 51
SPRINGDALE AR 72765-0051

72765-0051



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of January 4, 2000.

FROM:		
Tim Conklin	Planning	Public Works
_____ Name	_____ Division	_____ Department

ACTION REQUESTED: To approve an ordinance for RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th and bound on the east by county road 648. The request is to annex approximately 320 acres.

COST TO CITY:

\$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached _____
 Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW:		GRANTING AGENCY: _____	
Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the annexation with a vote of 6-1-0. Commissioner Hoffman voted against the annexation.

	12-17-99	<u>Cross Reference</u>
Division Head	Date	
Department Director	Date	New Item: Yes No
Administrative Services Director	Date	Prev Ord/Res#: _____
Mayor	Date	Orig Contract Date: _____

Frances Atwater Lindloff
Damaris H. Rainwater Trust
C/O Damaris Rainwater
2727 E. Cedar Ave. #3
Denver, CO. 80206

Richard L. Swaffar
P.O. Box 235
Farmington, AR. 72730

Bill L. Sellers, TR. ET. AL.
WC-862.
13193 Sellers RD.
Fayetteville, AR. 72703

Hoyet Greenwood
452 N. 46th Ave.
Fayetteville, AR. 72704

John and Reba Jordan
158 S. Broyles Ave.
Fayetteville, AR. 72701

Carl and Doris Yates
1400 Eastwood
Fayetteville, AR. 72701

Mary Holland Welborn
308 E. Main
Farmington, AR. 72730

Vera and Calvin Edens
775 W. Sycamore Apt. 31
Fayetteville, AR. 72703

Morris Nations
233 N. 54th Ave.
Fayetteville, AR. 72703

Marvin and Francis Houston
4268 Wagon Wheel RD.
Springdale, AR. 72762

Troy and Dorothy MacDailey
175 N. 54th ST.
Fayetteville, AR. 72701

Tracy and Holly Thomas
425 N. 54th Ave.
Fayetteville, AR. 72704

Eulalia Auslam
TTEE, Eulalia Auslam
Revocable Trust
5512 W. Bogan DR.
Fayetteville, AR. 72701

Randall and Peggy Lynch
P.O. Box 124
Farmington, AR. 72730

Charles and Evelyn Alexander
5625 W. Bogan DR.
Fayetteville, AR. 72701

Robert J. Nikovits
5569 W. Persimmon
Fayetteville, AR. 72704

Merice J. Mills
11 N. 54th Ave.
Fayetteville, AR. 72704

Paul Jr. and Patricia Johnson
5516 Tipton RD.
Fayetteville, AR. 72703

Lorinda Schader
5769 W. Shalott DR.
Fayetteville, AR. 72701

Clarence and Donna Starr
353 N. 54th Ave.
Fayetteville, AR. 72704

Anne N. Pierson
75 S. 54th ST.
Fayetteville, AR. 72704

Beverly A. Karstetter
5475 W. Shallot DR.
Fayetteville, AR. 72704

Clayton and Angela Holcomb
4994 Persimmon
Fayetteville, AR. 72701

William and Julia Hayes
4904 W. Persimmon
Fayetteville, AR. 72701

Floyd and Carol Pruet
5310 W. Persimmon LN
Fayetteville, AR. 72703.

Francis Gallagher
5402 Persimmon ST.
Fayetteville, AR. 72703

Cecil and Jacqueline Clevenger
530 N. 54TH ST.
Fayetteville, AR. 72704

Clifford and Ida Calico (Co-Trustees)
5180 Persimmon
Fayetteville, AR. 72701

Leonard and Barbara Patterson
5206 W. Persimmon ST.
Fayetteville, AR. 72704-7503

Don and Doris Lewis
5074 W. Persimmon ST.
Fayetteville, AR. 72701

Peggy Jones, Ruth & Paul Jr. Guisinger
c/o David Lashley
111 North Church Ave.
Fayetteville, AR. 72701

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of January 4, 2000.

FROM:		
Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA 99-15.00 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary of Clary Development Corp. for property located at lots 3R & 8 of Wedington Place. The request is to vacate the 20 foot utility easement between lots 3R & 8 and a portion of a 15 foot drainage easement located within lot 8.

COST TO CITY:

\$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached _____

Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW:		GRANTING AGENCY: _____	
Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the vacation on the Consent Agenda with a unanimous vote of 8-0-0.

	12-17-99	<u>Cross Reference</u>
Division Head	Date	
Department Director	Date	New Item: Yes No
Administrative Services Director	Date	Prev Ord/Res#: _____
Mayor	Date	Orig Contract Date: _____

ADJOINING OWNERS AND ADDRESSES:

Parcel No. not set up yet - Lot 7 - Wedington Place Addition Phase 2
Clary Development Corporation
2200 N. Rodney Parham, Suite 210
Little Rock, AR 72212

Parcel No. not set up yet - Lot 6 Wedington Place Addition Phase 2
Dandy Oil Company, Inc.
P. O. Box 242
Springdale, AR 72765

Parcel #765-20615-000 - Lot 2 Wedington Place Addition
Bank of Fayetteville
P. O. Box 1728
Fayetteville, AR 72702

Parcel No. not set up yet - Lot 1R Wedington Place Addition Phase 2
Griffin Mardis Investments, Inc.
1614 S. 12th Terrace
Rogers, AR 72756

Parcel #765-13724-007
Mohammad H. Assem & Parvin Khaliliardestani
P. O. Box 516
Farmington, AR 72730

Parcel #765-18587-000
Timothy N. Van Someren & Cathy Y. Van Someren
765 Creek Avenue
Springdale, AR 72764

Parcel #765-18586-000
Gary Arlan Dandy & Kristin Page Dandy
5510 Bryant Place
Springdale, AR 72764

Parcel #765-17646-000
William A. Lazenby
1031 N. College Avenue
Fayetteville, AR 72701

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of January 4, 2000.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZ 99-33.00 submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street and north of Rock Street. The property is zoned R-2, Medium Density Residential and R-O, Residential Office and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the rezoning with a unanimous vote of 7-0-0.



Division Head

12-17-99

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services
Director

Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

Billy and Lena Batson
611 Mundell Rd.
Eureka Springs, AR. 72532

Sat Karm Singh & Teresa Pictor
16 S. West
Fayetteville, AR. 72701

Joetta ET AL Harriman
414 W. Mountain
Fayetteville, AR. 72701

D.C. Goff
P.O. Box 1465
Fayetteville, AR. 72702

Jay and Andrea Miner
320 W. Mountain
Fayetteville, AR. 72701

Jerome J.; JR. Paddock
321 W. Center
Fayetteville, AR. 72701

Donald Roller TTEE Wilson
Kathleen Kay TTEE Wilson
311 W. Mountain
Fayetteville, AR. 72701

Maryetta Carroll
116 School
Fayetteville, AR. 72701

Daryl Rantis & Jennifer Fulford
380 W. Rock St.
Fayetteville, AR. 72701

Michael Thurmond
114 S. School ST.
Fayetteville, AR. 72701

Jerry and Karen Allred
70 N. College #5
Fayetteville, AR. 72701

West Street Consortium, LLC
111 S. West Ave.
Fayetteville, AR. 72701

Alice Martin
713 Peach Tree LN
Garland, TX 75041

David Druding
1410 Cato Springs RD
Fayetteville, AR. 72701

Alan and Jensen Ostner
111 S. West ST
Fayetteville, AR. 72701



Sylvia McCleland
Lonnie and Donna McCleland
127 S. West ST
Fayetteville, AR. 72701

Jean and Anita Bechaud
119 S. West
Fayetteville, AR. 72701

Charles R. Belt
207 S. West Ave.
Fayetteville, AR. 72701-5847

Herbert and Michael Thurmond
114 S. School
Fayetteville, AR. 72701

City of Fayetteville, Arkansas
A Municipal Corp.
P.O. Box Drawer F
Fayetteville, AR. 72702

Fayetteville City Hospital
221 S. School
Fayetteville, AR. 72701

Rona L. Nixon
202 S. School
Fayetteville, AR. 72704

Mayor's Approval N/A

Public Works
Department

Orig. Contract Date

DEPARTMENTAL CORRESPONDENCE

December 14, 1999

To: Fayetteville City Council

From: Don Bunn, Assistant Public Works Director

Thru: Charles Venable, Public Works Director

Fred Hanna, Mayor

Subject: Lease Amendment

Mt. Sequoyah Tank Site

Attached for your review and approval is the proposed Amendment to Lease Agreement with Mt. Sequoyah, Incorporated. The lease being amended is the original lease agreement with the West Methodist Assembly (now known as Mt. Sequoyah, Incorporated) for the land on which our water tank is erected. Also attached is a copy of the original lease agreement (re-typed, without signatures).

This proposed amendment gives the City of Fayetteville the right to sub-lease space on or above the tank site to cell tower and other communications equipment, and provides for the sharing on a 50-50 basis with Mt. Sequoyah, Incorporated of any revenues we get from such sub-leases.

The lease exempts City owned equipment and other governmental equipment that may be leased at a nominal fee. It also exempts equipment existing prior to the approval of this amendment.

It is the recommendation of the Staff that the Council approve the Amendment to Lease Agreement with Mt. Sequoyah, Incorporated.

AMENDMENT TO LEASE AGREEMENT
(Mt. Sequoyah Tank Property)

This AMENDMENT is executed this ____ Day of _____, 2000 by and between the City of Fayetteville, Arkansas, hereinafter called "Lessee" and Mt. Sequoyah, Incorporated (formerly West Methodist Assembly) hereinafter called "Lessor".

WHEREAS, the parties to agree to amend the Lease Agreement dated September 9, 1958 to allow sub-leasing of the property for certain purposes.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS contained herein, the parties agree as follows:

1. Right to Sub Lease Lessee shall have the right to sub lease space on the water tank and on, under, and over the grounds covered by this Lease Agreement to private or public entities for the purpose of erecting, maintaining, and operating communications equipment. Such equipment shall include, but shall not be limited to antennas, support buildings, utility lines, and emergency generators. The Lessor shall have the right to review and approve the leases, such review and approval not to be unreasonably withheld.

2. Rental Payments Lessee shall negotiate the amount of any rental payments for such communications equipment installation. Such amounts shall be consistent with the current market for rental of communications equipment space. The lease amounts to be charged for governmental agencies shall be a nominal amount and shall not be subject to the terms of Paragraph 3, Payments to Lessor. In addition, antennas or equipment owned by the City and installed for the use of the City shall not be subject to Paragraph 3.

3. Payments to Lessor Lessee shall pay to Mt. Sequoyah, Incorporated one-half (1/2) of rental amount charged by the City for communications equipment space. Such rental shall be paid to Mt. Sequoyah, Incorporated on a monthly basis.

4. Existing Communications Equipment All communications equipment existing on the water tank, and/or on the grounds thereof as of the date of this Amendment shall be exempted from its provisions, except that any new or renegotiated lease shall be governed by the provisions of this Amendment except as noted in Paragraph 2 for Lessor owned or governmental agencies for which only nominal lease payments are charged.

5. Effective Date This Amendment shall become effective upon its execution.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment on the date stated above:

CITY OF FAYETTEVILLE, ARKANSAS
LESSEE

ATTEST:

By: _____

By: _____
Heather Woodruff, City Clerk

MT. SEQUOYAH, INCORPORATED
LESSOR

BY:  _____
Dr. Charles Wallace, President

WITNESS:

By:  _____
Terri Johnston

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into on the 9th day of September, 1958 by and between the Board of Trustees, of the West Methodist Assembly, hereinafter called Lessors, and the City of Fayetteville, a Municipal Corporation, hereinafter called Lessee,

WITNESSETH:

That Lessors hereby lease to Lessee and Lessee hereby leases from Lessors, for the purpose of using, constructing, maintaining, and operating a water storage tank together with the necessary water pipes, valves, controls and other necessary structures and appurtenances thereto essential to the operation of a water system and related governmental functions of the City of Fayetteville, Arkansas, the following describes the real estate situated in the City of Fayetteville, County of Washington and State of Arkansas, to-wit:

A part of the SE1/4 of the NE1/4 of Section 15, Township 16 North, Range 30 West, described as beginning at a point on the West Line of East Skyline Drive which is 1049.2 feet South, and 221.9 feet East of the NW corner of said 40 acre tract; and running thence North 42° 20' West 100 feet, thence South 47° 40' West 100 feet, thence South 42° 20' East 100 feet to the West line of East Skyline Drive, and thence along the curve of said Drive to the place of beginning, containing 0.23 acres more or less.

That the term of this lease agreement shall be for ninety-nine (99) years commencing on the 9th day of September, 1958, at an annual rental of One (\$1.00) Dollar per year.

IT IS FURTHER MUTUALLY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. That Lessee shall have the right at Lessee's sole cost and expense to construct and maintain a water storage tank, pipe line, valves, controls and such other structures as may be necessary in connection with the operation of the city water system and governmental functions related thereto upon said above described real estate.
2. That Lessee, at its sole cost and expense, shall be permitted to fence said above described real estate for the public safety and protection.
3. That Lessee, at its sole cost and expense, shall have the right and privilege to replace, alter, and add to and/or enlarge any or all of the structures which might be erected by Lessee upon said above described real estate.
4. Lessee shall comply with all of the requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the replacement, alteration, addition or change of any device, control or equipment which might be required by such laws and/or regulations. Lessor agrees to permit all municipal and public utility companies to enter upon said above described real estate and to construct and erect such essential public utility facilities as may be required in connection with the operations of the water system structures constructed, erected and located upon said above described real estate.

5. Lessee agrees to grade, landscape and plant such plants and/or shrubs and trees as may be necessary to keep said above described real estate in a neat, trim, and attractive condition in keeping with the remaining properties owned by Lessors surrounding said above described real estate.

6. Lessors agree to permit ingress and egress by Lessee, their agents, servants, and/or individual controllers on, over, under and across the remaining real estate surrounding said above described real estate and to execute such permanent easements on, over, under, and across said above described real estate as well as the remaining real estate owned by Lessors surrounding said above described real estate as may be necessary for the construction of water mains to and from the water storage tank to be constructed during the year 1959 or thereafter on said above described real estate.

7. Lessee shall have the right to remove all structures, piping, etc. erected by Lessee upon said above described real estate and to abandon said above described real estate at any time, at which time this lease agreement shall be deemed terminated and canceled. Upon the written request of Lessor therefor Lessee shall remove all structures, piping, etc., erected by Lessee upon said above described real estate.

8. This lease agreement shall be binding upon the parties hereto, their respective assigns and successors forever.

RECEIVED

NOV 19 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

HARRINGTON, MILLER, NEIHOUSE & KRUG

A PROFESSIONAL ASSOCIATION

ATTORNEYS

113 East Emma Avenue * P.O. Box 687

Springdale, Arkansas 72765-0687

Telephone (501) 751-6464 * Fax (501) 751-3715

e-mail address: mail@arkansaslaw.com

Michele A. Harrington
Stephen J. Miller
John P. Neihouse, LL.M. (in Taxation)
Wayne Krug **

William F. Mertins, Jr.

OF COUNSEL
Stephen D. Stitt

*Also licensed in Texas

**Also licensed in Oklahoma

November 16, 1999

ATTN: Heather Woodruff
Fayetteville City Clerk
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Annexation for John DeWeese and Mike Schmidt
CC 99-8 and Fayetteville City Ordinance #4187

WEST OF
DOUBLE SPRINGS RD

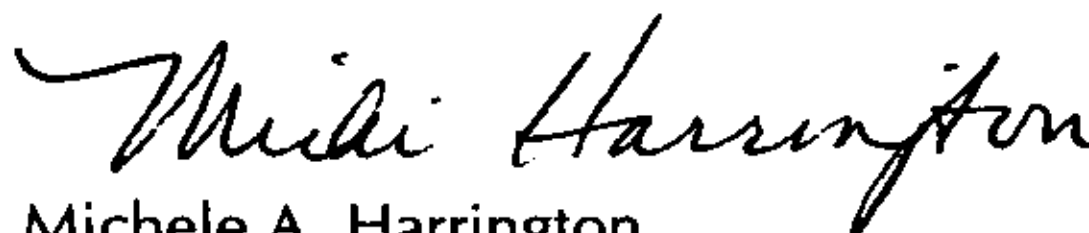
Dear Heather:

Enclosed please find a copy of a Memorandum which I received from Nancy Wood of the Northwest Arkansas Regional Planning Commission advising that there is an incorrect call in the legal description on the Ordinance. We ask that you reprint this legal description with the correct call and record it, providing us with a copy of the Ordinance after the legal has been corrected.

Thank you for your courtesy in this matter. Please call if you have any questions.

Sincerely,

HARRINGTON, MILLER, NEIHOUSE & KRUG, P.A.



Michele A. Harrington
For the Firm

MAH/rtv

encl.

cc: Nancy Wood,
Northwest Arkansas Regional Planning Commission

**NORTHWEST
ARKANSAS
REGIONAL
PLANNING
COMMISSION**

P.O. BOX 745 • SPRINGDALE, ARKANSAS 72765-0745

(501) 751-7125

FAX (501) 751-7150

MEMORANDUM

TO: Michele Harrington
FROM: Nancy Wood, Draftsman
DATE: November 11, 1999
SUBJECT: CC 99-8 and Fayetteville City Ordinance 4187
Annexation for John DeWeese and Mike Schmidt

I reviewed CC 99-8 for the Washington County Clerk's office July 7, 1999 and found the legal to be in order.

I received Ordinance 4187 November 8, 1999. When I started to put the annexation on the city maps it appears a call was changed from the original petition.

Please find attached a copy of the legal description from CC 99-8 and Ordinance 4187. I underlined the call in question.

CC 99-8 the call is S89°23'32"E.

Ordinance 4187 the call is S89°23'32"W.

Also the survey with both documents is S89°23'32"E.

Please review.

FROM
ORDINANCE
4187

Ord. 4187

EXHIBIT "A"

A PART OF THE WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION FIFTEEN (15) AND A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TEN (10), ALL IN THE TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4), SAID POINT BEING AN EXISTING ARKANSAS STATE SURVEY MONUMENT; THENCE N00°38'43"E ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) 342.00 FEET TO A SET IRON; THENCE S89°23'32"E 198.00 FEET TO A SET IRON; THENCE ALONG THE CENTER OF AN EXISTING HOLLOW, THE FOLLOWING BEARINGS AND DISTANCES:

S26°55'03"E	114.53 FEET
S58°47'01"E	69.85 FEET
S40°05'00"E	121.17 FEET
S42°44'34"E	112.77 FEET
S18°31'55"E	32.80 FEET

TO A SET IRON ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4); THENCE S89°23'32"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) 320.01 FEET TO A SET IRON WHICH IS N89°23'32"W 528.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE S01°05'51"W 330.00 FEET TO A SET IRON; THENCE S89°23'32"E 528.00 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION, SAID POINT BEING IN COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) AND FROM WHICH A REFERENCE IRON SET ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°23'32"W 31.40 FEET; THENCE S01°05'51"W 996.68 FEET TO AN EXISTING SURVEYOR'S NAIL AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE S01°31'54"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 292.54 FEET TO A POINT FROM WHICH AN EXISTING CONCRETE MONUMENT ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°15'59"W 30.80 FEET; THENCE LEAVING SAID ROAD, N89°15'59"W ALONG THE NORTH LINE OF DOUBLE SPRINGS ESTATES, A SUBDIVISION OF WASHINGTON COUNTY, ARKANSAS AS FILED IN SURVEY BOOK 11, AT PAGE 44, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, 1327.19 FEET TO A SET IRON ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE N01°12'11"E ALONG THE WEST LINE OF THE SAID WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) 1616.31 FEET TO THE POINT OF BEGINNING, CONTAINING 47.98 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 47.98 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) ALONG THE EASTERNMOST BOUNDARY.

-06-1999 13:00 FROM WASH. COUNTY CLERK

TO

97517150 P.05

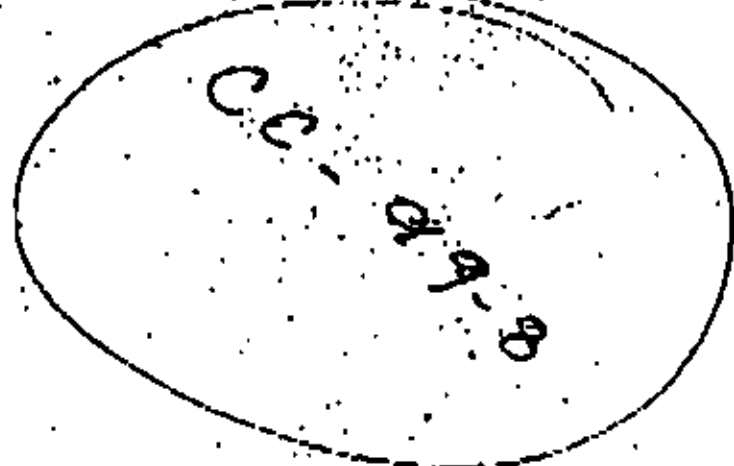
A PART OF THE WEST HALF (W $\frac{1}{2}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION FIFTEEN (15) AND A PART OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION TEN (10), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$), SAID POINT BEING AN EXISTING ARKANSAS STATE SURVEY MONUMENT; THENCE N00°38'43"E ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) 342.00 FEET TO A SET IRON; THENCE S89°23'32"E 190.00 FEET TO A SET IRON; THENCE ALONG THE CENTER OF AN EXISTING DOLLOW, THE FOLLOWING BEARINGS AND DISTANCES:

S76°55'03"E	114.53 FEET;
S50°47'01"E	69.85 FEET;
S40°05'00"E	121.17 FEET;
S42°44'34"E	112.77 FEET;
S18°31'55"E	32.00 FEET TO A SET IRON ON THE

SOUTH LINE OF SAID SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$); THENCE S89°23'32"E ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) 320.01 FEET TO A SET IRON WHICH IS N89°23'32"W 520.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SAID SECTION; THENCE S01°05'51"W 530.00 FEET TO A SET IRON; THENCE S89°23'32"E 520.00 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SAID SECTION, SAID POINT BEING IN COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) AND FROM WHICH A REFERENCE IRON SET ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°23'32"W 31.40 FEET; THENCE S01°05'51"W 996.68 FEET TO AN EXISTING SURVEYOR'S NAIL AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SAID SECTION; THENCE S01°31'54"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SAID SECTION 193.34 FEET TO A POINT FROM WHICH AN EXISTING CONCRETE MONUMENT ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°23'32"W 30.00 FEET; THENCE LEAVING SAID ROAD, N89°15'59"W ALONG THE NORTH LINE OF DOUBLE SPRINGS ESTATES, A SUBDIVISION OF WASHINGTON COUNTY, ARKANSAS, AS FILED IN SURVEY BOOK 11, AT PAGE 44, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, 1327.19 FEET TO A SET IRON ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SAID SECTION; THENCE N01°12'11"E ALONG THE WEST LINE OF THE OF SAID WEST HALF (W $\frac{1}{2}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) 1416.31 FEET TO THE POINT OF BEGINNING, CONTAINING 47.98 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 47.98 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) ALONG THE EASTERNMOST BOUNDARY.



EXHIBIT "A"



FILED FOR RECORD

'99 NOV 3 PM 2 55
WASHINGTON CO AR
K. HARNES

ORDINANCE NO. 4187

MICROFILMED

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE
CITY OF FAYETTEVILLE, ARKANSAS, OF APPROXIMATELY
47.98 ACRES OWNED BY JOHN DEWEESE AND MIKE
SCHMIDT, AS REQUESTED IN RZA99-3.

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

Section 1. That the City Council hereby confirms the annexation to the City of
Fayetteville, Arkansas, of the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That the above-described property is hereby assigned to ward No. 4.

PASSED AND APPROVED this 21st day of September, 1999.

APPROVED:

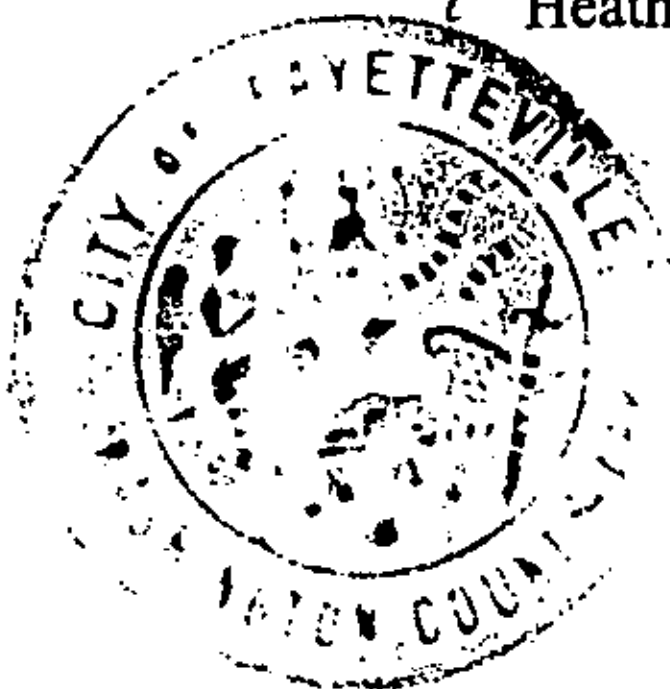
By: _____

Fred Hanna, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk



99099445

EXHIBIT "A"

A PART OF THE WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION FIFTEEN (15) AND A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TEN (10), ALL IN THE TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4), SAID POINT BEING AN EXISTING ARKANSAS STATE SURVEY MONUMENT; THENCE N00°38'43"E ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) 342.00 FEET TO A SET IRON; THENCE S89°23'32"E 198.00 FEET TO A SET IRON; THENCE ALONG THE CENTER OF AN EXISTING HOLLOW, THE FOLLOWING BEARINGS AND DISTANCES:

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TO A SET IRON ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4); THENCE S89°23'32"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) 320.01 FEET TO A SET IRON WHICH IS N89°23'32"W 528.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE S01°05'51"W 330.00 FEET TO A SET IRON; THENCE S89°23'32"E 528.00 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION, SAID POINT BEING IN COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) AND FROM WHICH A REFERENCE IRON SET ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°23'32"W 31.40 FEET; THENCE S01°05'51"W 996.68 FEET TO AN EXISTING SURVEYOR'S NAIL AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE S01°31'54"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 292.54 FEET TO A POINT FROM WHICH AN EXISTING CONCRETE MONUMENT ON THE WEST RIGHT-OF-WAY OF SAID ROAD BEARS N89°15'59"W 30.80 FEET; THENCE LEAVING SAID ROAD, N89°15'59"W ALONG THE NORTH LINE OF DOUBLE SPRINGS ESTATES, A SUBDIVISION OF WASHINGTON COUNTY, ARKANSAS AS FILED IN SURVEY BOOK 11, AT PAGE 44, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, 1327.19 FEET TO A SET IRON ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION; THENCE N01°12'11"E ALONG THE WEST LINE OF THE SAID WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) 1616.31 FEET TO THE POINT OF BEGINNING, CONTAINING 47.98 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 47.98 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD #27 (DOUBLE SPRINGS ROAD) ALONG THE EASTERNMOST BOUNDARY.

99099446

C.C. 12/21/99

3-6 Minimum and Maximum Grades:

The minimum grades shall be that grade required to provide positive drainage for the street. The maximum allowable grade for local streets shall be 10 percent with a provision for a 15 percent grade for a maximum distance of 300 feet in the case of hilly terrain. For collector streets the maximum grade shall be 8 percent with a provision for 12 percent maximum grade for no more than 300 feet.

3-7 Sight Distance Requirements and Design Speeds:

Minimum sight distance for local and residential streets shall be 250 feet under ordinary conditions and 200 feet for hilly conditions. Collector streets shall have a minimum sight distance of 350 under ordinary and hilly conditions. The Arkansas Highway and Transportation Department definition of sight distance shall apply. The design speed shall be 20 to 30 mph for local streets and 35 to 45 mph for collector streets.

VA 99-13.
C.C. 12/21/99.

From: Jesse and Lee Ann Branch —
Re: Vacating easement on Club Oak Drive

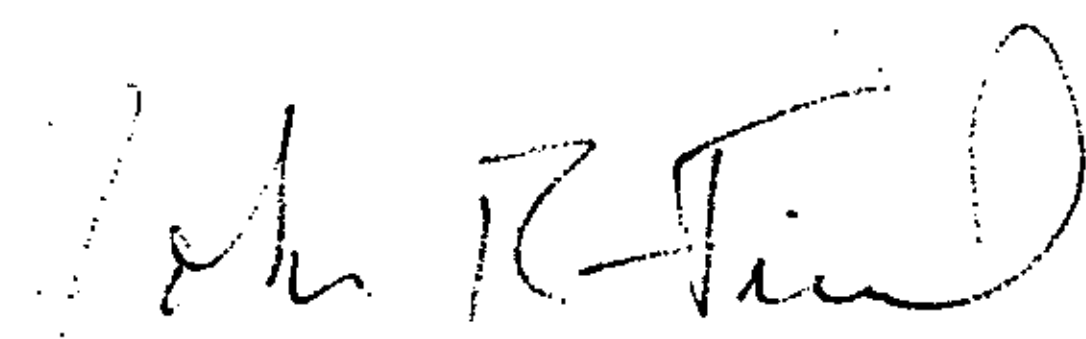
When Jesse and I moved to Fayetteville, it had been his dream from the time he was a college student to live "On the Hill" at the Fayetteville Country Club. Because we met on a golf course, it seemed perfect! There were other lots and houses available on the hill, but we chose the home on Club Oak Drive because we liked the narrow street and the "no thru traffic". It would be a safe place for our grandkids to play without the danger of speeding cars cutting through the neighborhood in route to somewhere else. Because there was not a curb cut across the street indicating any kind of an access, it never occurred to us there would ever be any thing on that vacant lot except another home.....certainly not the possibility of a street intersecting basically at our driveway. But no matter how we feel personally or emotionally, the bottom line is still this.....the planning commission has already voted against the street being built due to the severe grade and already having two accesses in and out of the property in question. If that is their vote and you as a city council do not uphold it, that is the same as tying the commission's hands and not allowing it to do its work. I ask you to please re-consider and uphold the commission's findings to vacate the easement.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:


2 E 28th Ct.
Fayetteville AR 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Mr. James Denton
2953 Sandtrap
Don Lyall
99 W 29th CT
Maggie + Bill Mygatt
2958 Country Club Dr.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Linda Jettison
47 West 29th Court

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

James Kay Mosher Jr
125 W 29th St

John & Mal Krim
2970 Country Club Dr
Fayetteville AR 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed: *Harry S. Mosberger*
125 W 29th Ct.

Jerry Yeagan
2821 S. College Drive

Jane Yeagan
2831 S. College Drive

Jim & Opal Robinson

307 E. Fairway Lane

Jim & Opal Robinson

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

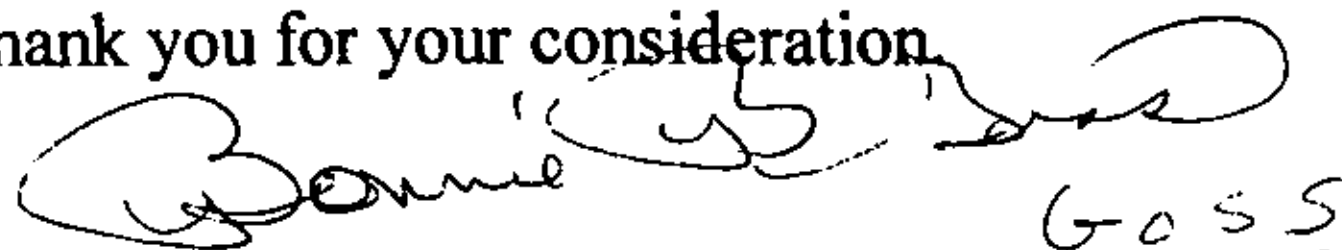
Signed:

Thomas L. Gray
159 West 29th Ct
Alameda, Ca

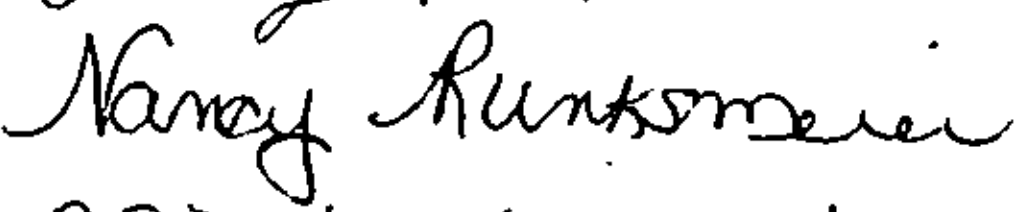
To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.


Bonnie Goss

2780 S. College Dr.
Fayetteville, Ar. 72701


Signed: 
227th W. 29th Court
Fayetteville AR 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Randy & Angela Ryan
2927 Club Oak Dr.
Fayetteville AR
72701

Ron W. Siler
193 W 29th Court
Ft. Ar 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:



George L. Lucas
194 W. 29th Court
Fayetteville, Ar.
72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

John & Lynn Rose
230 W. 29th Ct
Fay 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:



CHARLES D. STOVALL
2806 CLUB OAK DRIVE

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Sylvia L. Popejoy
2851 Club Oak Dr.
Fayetteville, Ar
72707

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Pauline Hellingworth
330 Fairway Ln
Fay, Ar

SHERLYN CALE
300 FAIRWAY LN
FAYETTEVILLE AR 72701

Vicki Jones
2834 S. College Dr
Fayetteville, AR 72701

Signed:

Doug & Jeanne Douglas
2817 S. College Dr. 72701

Margaret E. Thomas
326 Fairway Lane - 72701

Shanna Douglas
314 E Fairway Dr.
Fay, Ar 72701

L J Anderson
2855 So. College Dr.
Fayetteville

W H Summers
2970 S. COLLEGE DR.

Terry Bellora

Frank Sumner + Sandra
359 Fairway
Fay., Ar. 72701

Harold M. Louis
2979 S. COLLEGE DR.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

12-18-99


Signed:

Tim WETWICKA

Jay Roeb

Chelsea Duncan

W. E. Higgins

Laney Higgins

Lore Marie Fogli

Das D. Suriso

Freddi Brinson

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Donna McLean

Donna McLean
2624 S. College Dr.

Charlie Brown
2613 S. College Dr.

Helen Hurley

Angelia Burnett

Jim Burnett

Frances Shirley

Frederick A. Arnold

Richard A. Arnold

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

D. J. Malone
2848 Club Oak Dr.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

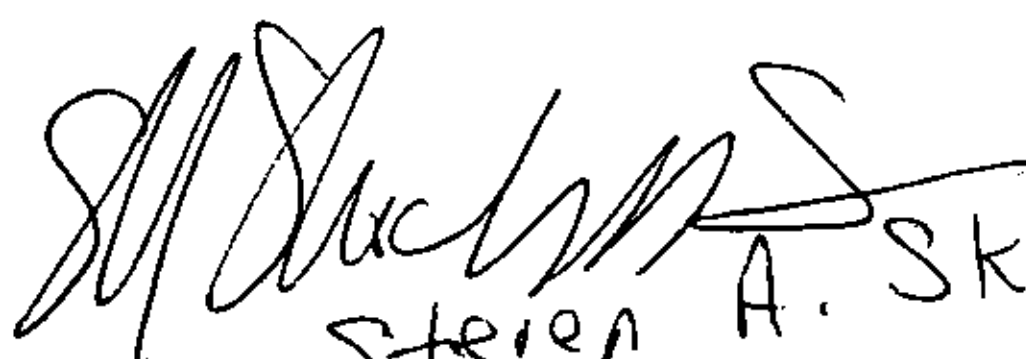
Thank you for your consideration.

Signed: Linda J. Salmonson
Stan Salmonson
L. A. Gurd
Jim Brown

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.


Signed: Steven A. Skoch, D.D.S.

Martha J. Skoch
Martha J. Skoch

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Brete Garland

BRETE GARLAND

Dorothy Cowen
2840 Club Oak Dr.

Wendy Cowen
2840 Club Oak Dr.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Joe Taylor
Ralph L. Taylor
Fathleen Mullins
Charles F. Mullins
Janor Martin
Margaret Rodman
Joe B. Rodman
Brinda Stovall

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Roy W. Watson".

Signed:

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Lamm Scott Turley
Carol L. Furley
2910 Club Oak Dr.
Fayetteville, Ar. 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Tom Rance
2928 Club Oak
Signed:

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Robert A. Cooper
2957 S. College Dr.
Fayetteville, AK 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Mark Aforgato 12/19/99
51 E. 26th Cir.
Fayetteville AR 72701

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Lane Dunn
65 27th Ct.
Michael Joy
49 27th Ct.

To: Fayetteville City Council Members

WE I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed:

Amy Guthrie
B. C. Hays
Michael Phipps
2720 Country Club Dr.
Michael D. Cider
2851 Country Club Dr.
Darbara Grider
2851 Country Club Dr.
Kellen S. Richards
2943 Country Club Dr.
Burt Richards
2943 Country Club Dr.

64 East 27th Circle
64 East 27th Circle
48 East 27th Circle
B. C. Hays
2956 Country Club
Betty Taylor Walker
2962 Country Club
Sherry Watson
2883 Country Club
R. C. R.
2864 Country Club Dr.

To: Fayetteville City Council Members

I support the petition to vacate the easement known as 28th court adjoining Club Oak Drive.

Thank you for your consideration.

Signed: Carol Hawkins
12 E 28th Cr.

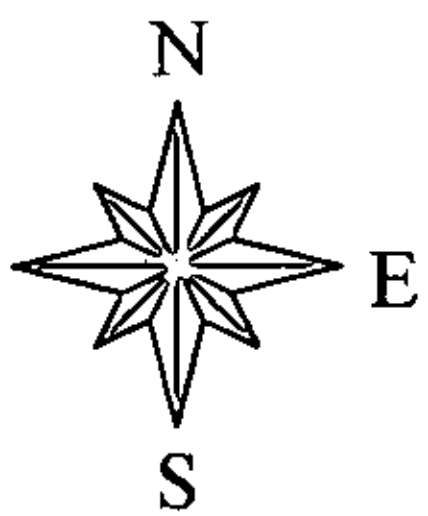
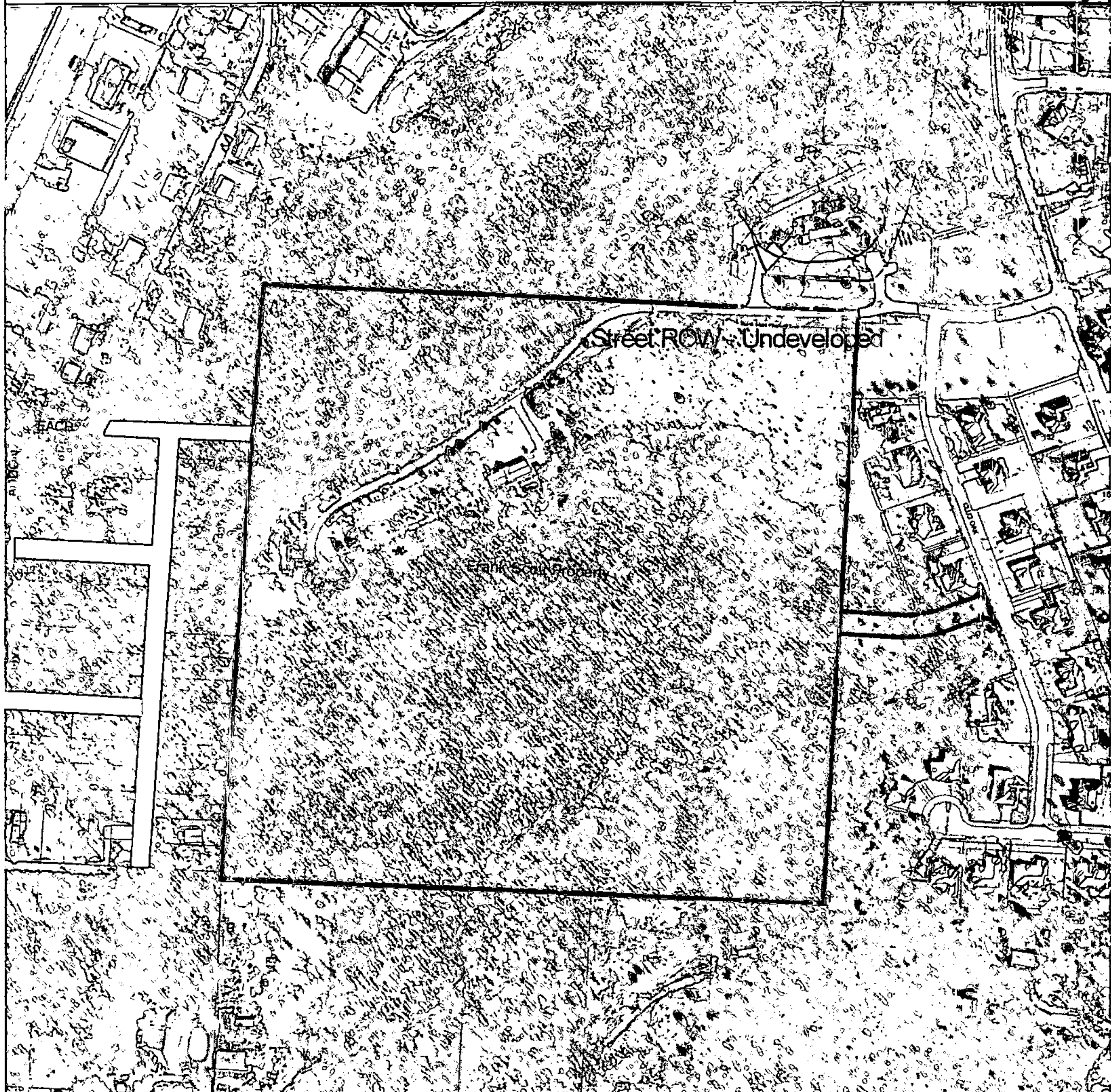
Donald Lee Coget
15 E. 28th Circle

Super
Peoples of Peay

Joe Fred Stern
House

VA99-13.00 - Peoples - Supplementary

Joe Fred
Dispersal



300 0 300 Feet

Row to be Closed
for Mr Peoples

1/4/00

AGENDA

RECEIVED

STAFF REVIEW FORM

DEC 20 1999

☒ Agenda Request
☐ Contract Review
☐ Grant Review

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

For the Fayetteville City Council meeting of January 4, 2000.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZ 99-33.00 submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street and north of Rock Street. The property is zoned R-2, Medium Density Residential and R-O, Residential Office and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the rezoning with a unanimous vote of 7-0-0.

Division Head

12-17-99

Date

Department Director

12-20-99

Date

Administrative Services Director

12-20-99

Date

Mayor

12/20/99

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Tim Conklin, City Planner
DATE: December 13, 1999

RECOMMENDED MOTION:

PLANNING COMMISSION ACTION: X Required
 Approved Denied

Comments:

CITY COUNCIL ACTION: X Required
 Approved Denied

Date: / /

BACKGROUND :

The City brought this rezoning forward in anticipation of the new Fayetteville public library being developed on this site. The property is currently zoned R-2 and R-O and encompasses an entire City block. Staff has recommended C-3 zoning because libraries are allowed as a use by right in this zoning district and this zoning district allows a greater flexibility in design with regard to required setbacks.

Both School Street and West Avenue are classified as Collector Streets. A collector street requires a 36' paved section back of curb to back of curb with 70' of right-of-way, 35' from center line. School Street currently has 21' of right-of-way from center line which will require an additional 14' of right-of-way and West Avenue has 19.3' on the north end and 20.5' on the south end from centerline which will require an additional dedication of 15.7' and 14.5' from centerline.

This master street plan requires a six foot multi use trail/sidewalk to be constructed with a 10' green space between the trail/sidewalk and street and will be addressed at the time of large scale development.

This site is designated as mixed use on the Future Land Use Map and C-3 zoning allows all types of residential, retail and commercial uses that currently surround this site and exist in the historic downtown area.

Rezoning the property at this time is necessary in order for the architect to continue with the site design process. This process is currently underway with additional design review meetings scheduled by the architect on January 13th and February 8th.

ADJACENT LAND USE AND ZONING:

North: Night Club (Radar), Single Family, C-2 and R-O

South: City Hospital, Professional Office (Habitat for Humanity), P-1

East: Multifamily Apartment Building, Single Family Homes, Professional Office, R-2 and R-O

West: Single Family, Duplex, R-O

INFRASTRUCTURE:

Streets: North: Mountain Street, designated as a local street (50' of row required)
South: Rock Street, designated as a local street (50' of row required)
East: School Street designated as a collector street (70' of row required).
West: West Ave. designated as a collector street (70' of row required).

Water: 4" line along School Street and West Ave. and a 1 1/4" line along Mountain and Rock

Sewer: 8" line along School and West and a 6" line along Mountain and Rock

LAND USE PLAN: General Plan 2020 designates this site as mixed use. Rezoning this property to C-3 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The Land Use Plan (General Plan 2020) shows this area as Mixed Use. The zoning of C-3 (Central Commercial) is consistent with the plan. This site is located in an area that is surrounded by many different land uses and C-3 zoning would allow compatible uses.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning of C-3 is justified and needed at this time in order to provide the type of zoning needed for the Fayetteville Public Library.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion. Both School Street and West Avenue have adequate capacity to handle additional traffic associated with the development of this site.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would not undesirably increase the population density and would not undesirably increase the load on public services including schools, water, and sewer facilities.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

§161.15 DISTRICT C-3 CENTRAL COMMERCIAL.

A. Purpose. The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district or regional shopping centers which provide a wide range of retail and personal service uses.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 9	Multifamily Dwelling - Low Density
Unit 10	Multifamily- High Density
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation

2. Uses Permissible on Appeal to the Planning Commission.

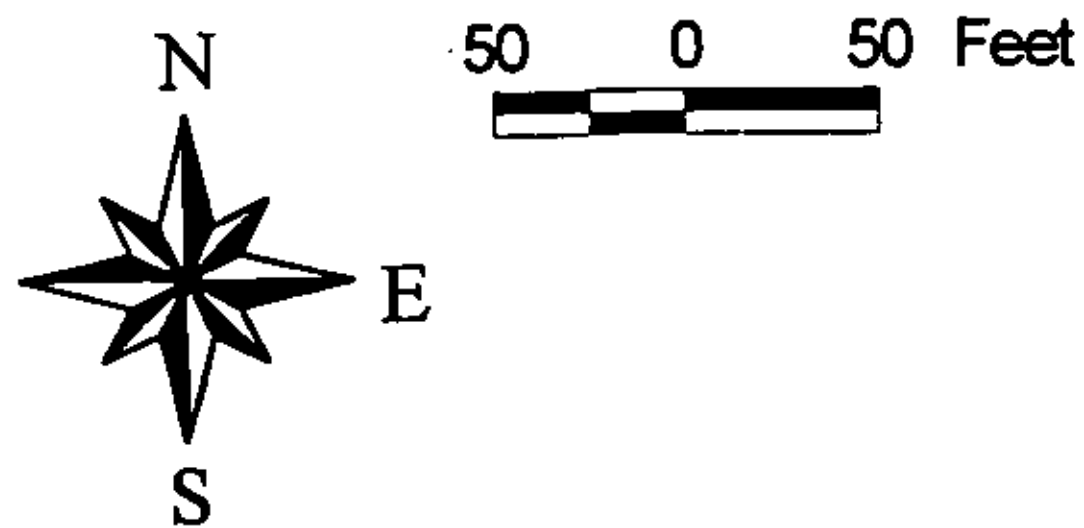
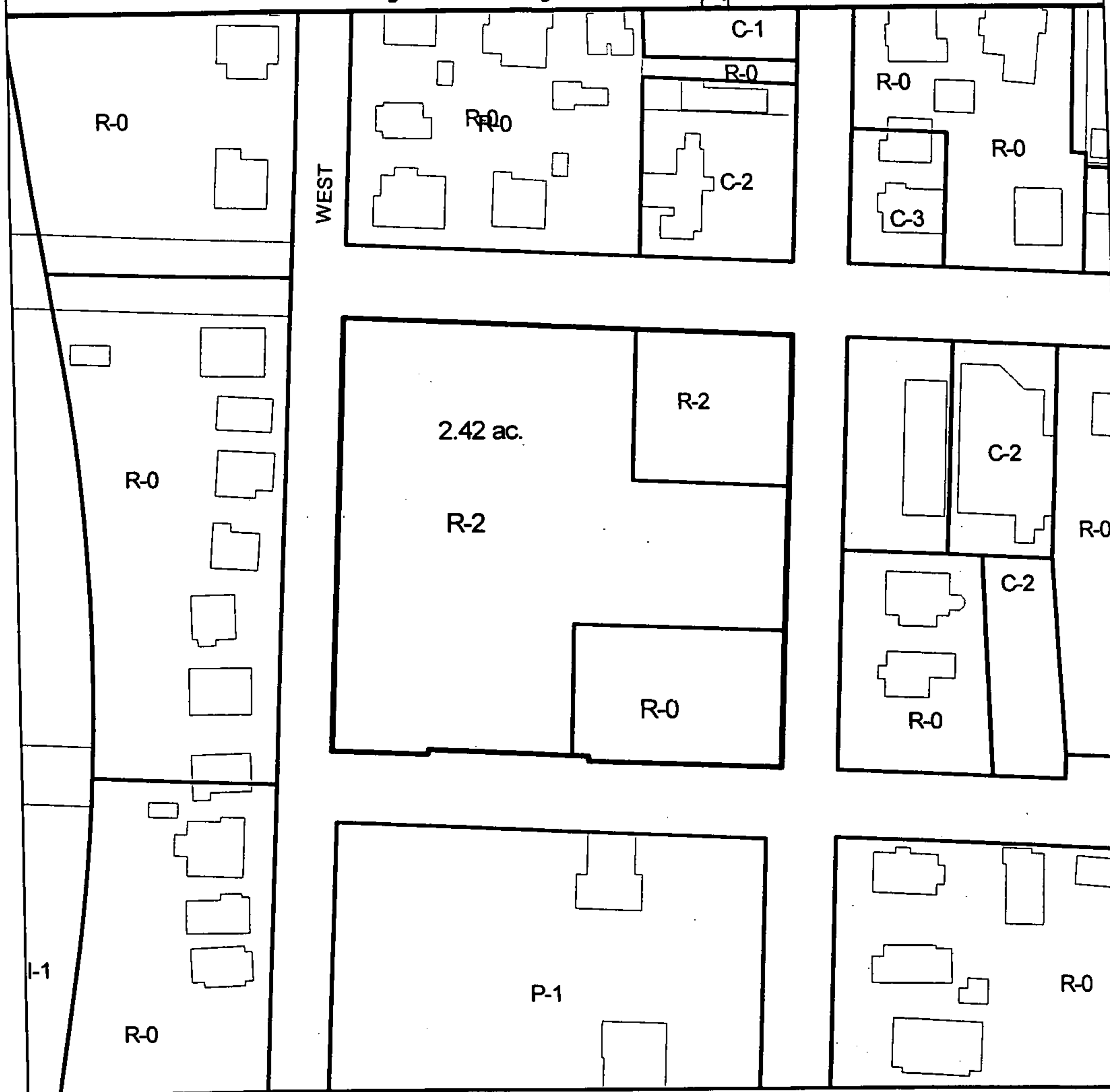
Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 17	Trades and Services
Unit 28	Center for Collecting Recyclable Materials

C. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements:

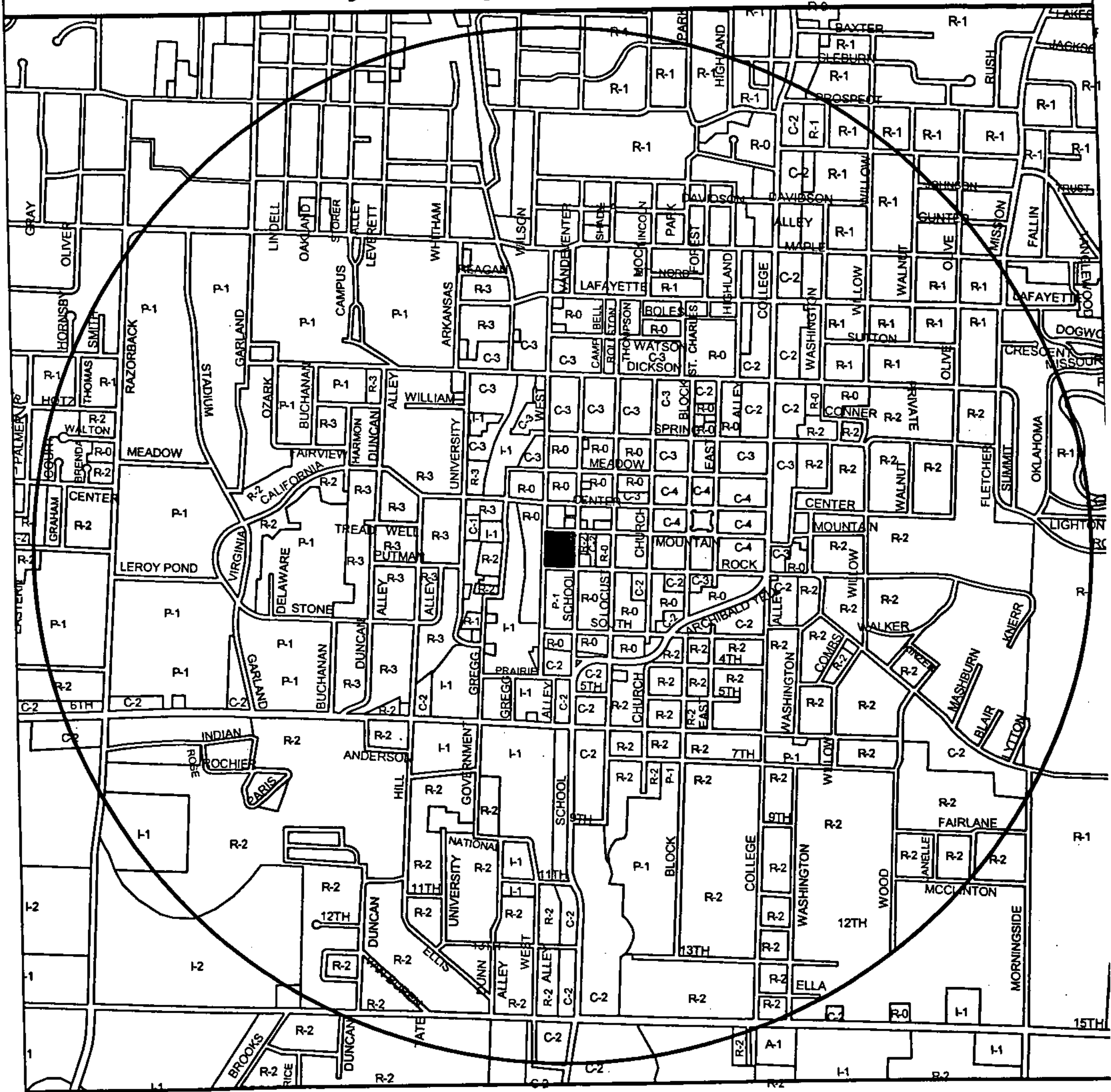
	Central Business District	Shopping Center
From Street ROW	5 ft.	25 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.	50 ft.
From Side Property Line	None	None
From Side Property Line When Contiguous to a Residential District	10 ft.	25 ft.
From Back Property Line Without Ease- ment or Alley	15 ft.	25 ft.
From Centerline Line of a Public Alley	10 ft.	10 ft.

(Code 1991, §160.037; Code 1965, App. A, Art. 5(VII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80)

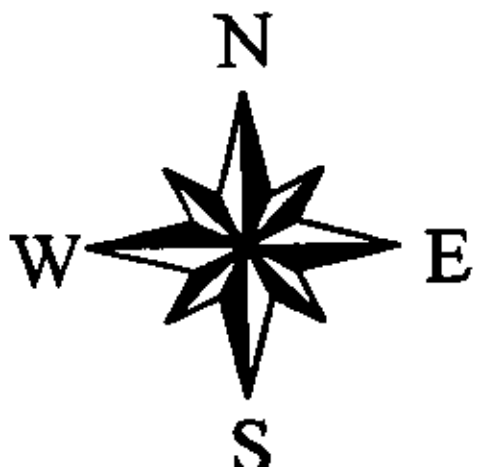
RZ99-33.00 - City of Fayetteville - Close Up



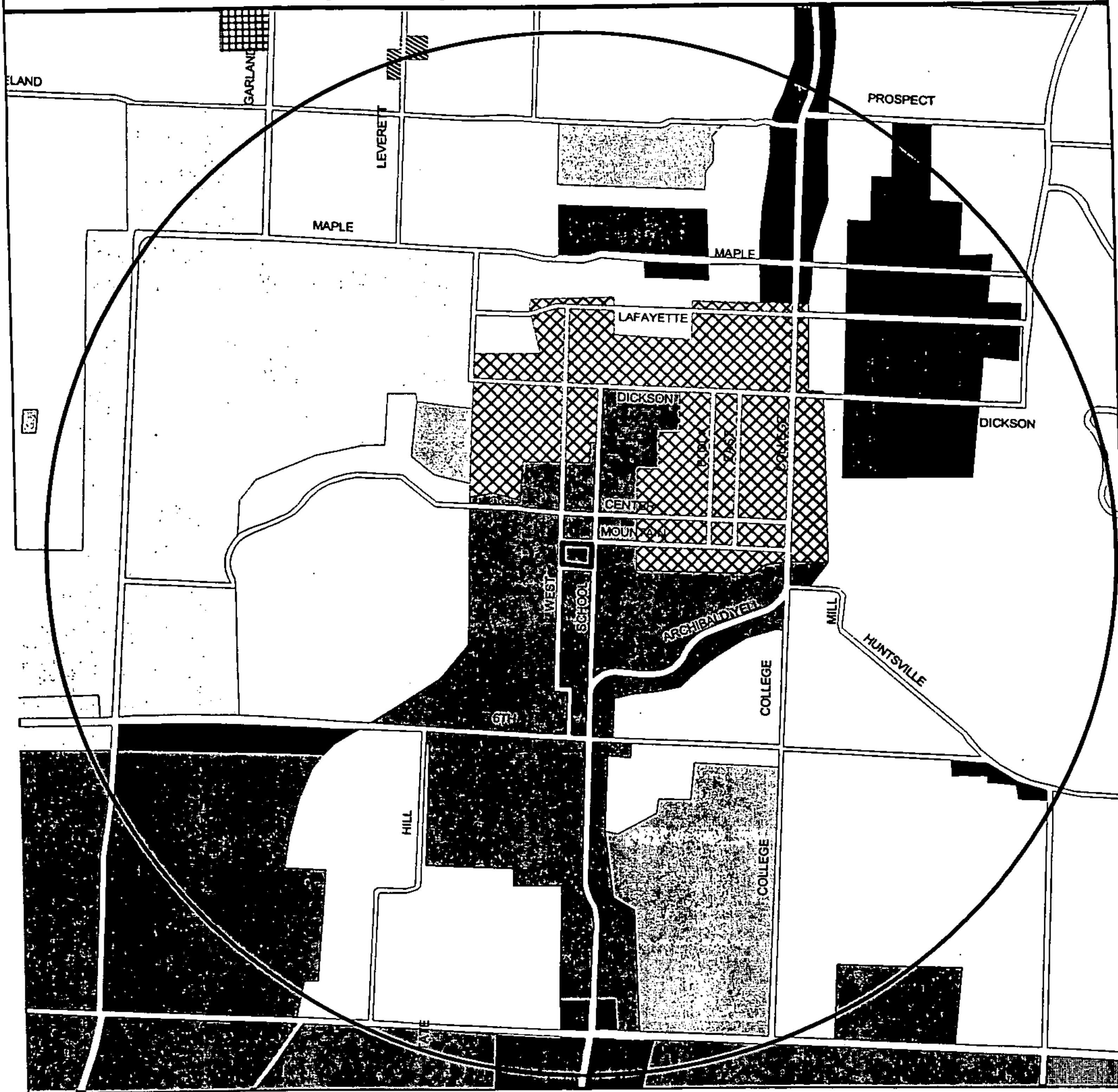
RZ99-33.00 - City of Fayetteville - One Mile Diameter



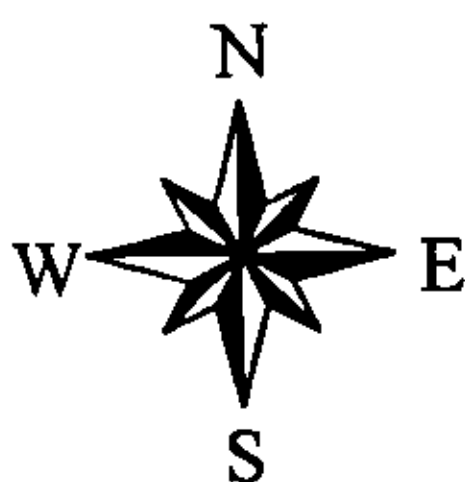
1400 0 1400 Feet

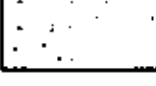
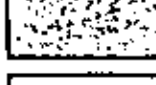
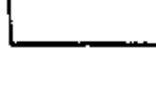


RZ99-33.00 - City of fayetteville - 2020 Plan



1400 0 1400 Feet



	Residential		University		Office
	Community Commercial		Industrial		Open / Space Recreational
	Historic Commercial		Mixed Use		Regional Commerical
	Historic Districts		Neighborhood Commercial		

Planning Commission Minutes
December 13, 1999
Page 22

**RZ99-33: REZONING
CITY OF FAYETTEVILLE, PP523**

This item was submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street and north of Rock Street. The property is zoned R-2, Medium Density Residential and R-O, Residential Office and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.

Charles Venable was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested rezoning based on the findings included as part of the staff report on file in the Planning Division.

Commission Discussion

Johnson: This is the location just not very far west and a little bit south of where we are this evening where the proposed new Fayetteville Public Library would be built. The primary reason that staff has recommended the C-3 zoning is to allow greater flexibility in the design and setbacks from the street. Tim, would you like to add details to the reason for the rezoning.

Conklin: Yes. This is the site for the proposed library. It is an entire city block. When staff met with the architect and looked at what zoning would be appropriate in this area, it was noted that R-2 and R-O setbacks would be 25 and 30 feet. We also looked at adjacent land uses in the area and felt that recommending C-3 zoning would be the best zoning for this site. It would allow 5 foot setbacks on all sides. School and West Avenues are classified as collector streets on our Master Street Plan and an additional 15 to 20 feet or right of way would be needed along with the setback. There is one other item that was not in your packet of material for this rezoning and that is that in 1990, the site was rezoned from C-2 to R-O. At that time, Washington Regional Medical Center was looking at constructing an assisted care facility or units on this property. They offered a bill of assurance. The bill of assurance was with regard to trees. In 1990, we did not have a tree ordinance in the City of Fayetteville. I bring this up in case any Planning Commissioner or those in the audience remembered back to 1990 when this site was discussed. The bill of assurance basically stated that 50% of all the existing trees with the caliper of 8 inch or more in the interior of the site be preserved and that those trees be protected during the construction process and that a minimum 80% of the existing trees 8 inch caliper or more in required setback areas around the perimeter of the site be preserved. This bill of assurance talks about working with the hospital once the development takes place. It is my opinion that if the Planning Commission does recommend this rezoning and the City Council

Planning Commission Minutes
December 13, 1999
Page 23

does rezone it to C-3 that this bill of assurance would not apply to this property.

Johnson: Thank you for that information. Mr. Venable is here. Do you have anything additional for us?

Venable: No. I think Tim covered it pretty well. The architect is looking more at the northeast corner which would be the Mountain/School area for the location of this and try to save as many of the trees but the land does slope quite a bit in all directions. It's going to be a beautiful site. If we can get this, it will certainly aid the architect in the design of the building itself.

Johnson: Thanks, Mr. Venable. Initial questions?

Public Comment

None

MOTION

Ward: I move approval of RZ99-33 for rezoning.

Johnson: Is there a second?

Shackelford: I'll second.

Johnson: We have the motion by Commissioner Ward and the second by Commissioner Shackelford that we approve rezoning 99-33. Our approval would merely send this on to the City Council for its work. The Council makes rezoning decisions but we do weigh in with our recommendation. Is there discussion of the motion?

Hoffman: I have one question for staff with regard to the trees. When the library is designed it will come back through as large scale development and we would review it for the tree ordinance at that time. There is nothing that would preclude that.

Conklin: That is correct. At the meeting with the architect one week ago, they have been in contact with Kim Hesse, the Landscape Administrator and they are also working with 2 other individuals to get opinions on what trees to preserve and how to design the building on that site.

Johnson: Anything else before we have the vote? If not, then we have the motion to recommend approval of the rezoning and send it on to the Council.

Planning Commission Minutes
December 13, 1999
Page 24

Roll Call

Upon roll call, the motion passed with a unanimous vote of 7-0-0.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ99-33 FOR A PARCEL CONTAINING APPROXIMATELY 2.42 ACRES LOCATED WEST OF SCHOOL STREET, EAST OF WEST STREET, SOUTH OF MOUNTAIN STREET AND NORTH OF ROCK STREET AS REQUESTED BY CHARLES VENABLE ON BEHALF OF THE CITY OF FAYETTEVILLE, ARKANSAS.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

RZ99-33 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From R-2 Medium Density Residential and R-O, Residential Office to C-3, Central Commercial.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By _____
Fred Hanna, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Block Thirty-four (34) in the Original Town of Fayetteville, Arkansas, as per Plat of Record in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Also being described as beginning at the Northeast corner of said Block Thirty-four (34) and run S2°37'27" W - 324.49 feet to the Southeast corner of said Block, thence N87°19'06"W - 326.31 feet to the Southwest corner of said Block, thence N2°37'27"E - 324.33 feet to the Northeast corner of said Block, thence S87°20'48"E - 326.31 feet to the POINT OF BEGINNING, containing 2.43 acres, more or less. Subject to any easements and/or rights of way of record.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of January 4, 2000.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th and bound on the east by county road 648. The request is to annex approximately 320 acres.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the annexation with a vote of 6-1-0. Commissioner Hoffman voted against the annexation.

Division Head

12-17-99

Date

Cross Reference

Department Director

12-10-99

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res#:

Mayor

12-20-99

Date

Orig Contract Date:

**113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264**

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Tim Conklin, City Planner
DATE: December 13, 1999

RZA 99-4.00: Annexation (City of Fayetteville, pp 476) was submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon bound on the west by 54th and bound on the east by county road 648. The property contains approximately 320 acres .

RECOMMENDED MOTION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: X Required
 Approved Denied

Date: 12/13/99

Comments:

CITY COUNCIL ACTION: Required
 Approved Denied

Date: / /

BACKGROUND :

The City has requested this 320 acre annexation for the proposed sewer treatment plant site. The site automatically comes into the City zoned A-1, Agricultural. Treatment plants are listed under Use Unit 3 - Public Protection and Utility Facilities and are a use by right under A-1 zoning. The actual location of the treatment plant has not yet been determined on this property; however, it will likely be located near Goose Creek which is located on the southern portion of the property. The property does contain areas of 100 year floodplain and floodway along Goose Creek located on the southern portion of the property and Owl Creek located on the northeastern portion of the property.

The property does contain a small cemetery, an historic homestead and one single family residence. The remainder of the property is undeveloped and has been used as pasture land.

The order of annexation was filed on October 26, 1999 and the confirmation of the order was signed by Washington County Judge Jerry Hunton on November 29, 1999.

ADJACENT LAND USE AND ZONING:

North: Undeveloped, Single Family Homes, A-1

South: Undeveloped, County

East: Undeveloped, Single Family Home, County

West: Undeveloped, Single Family Homes, County

INFRASTRUCTURE:

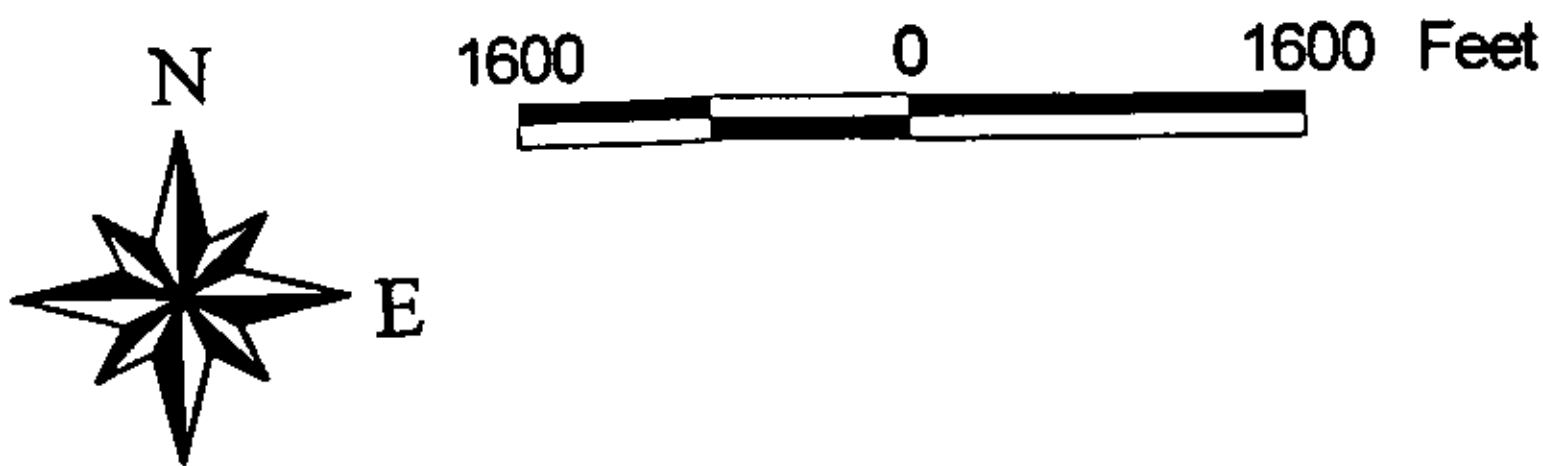
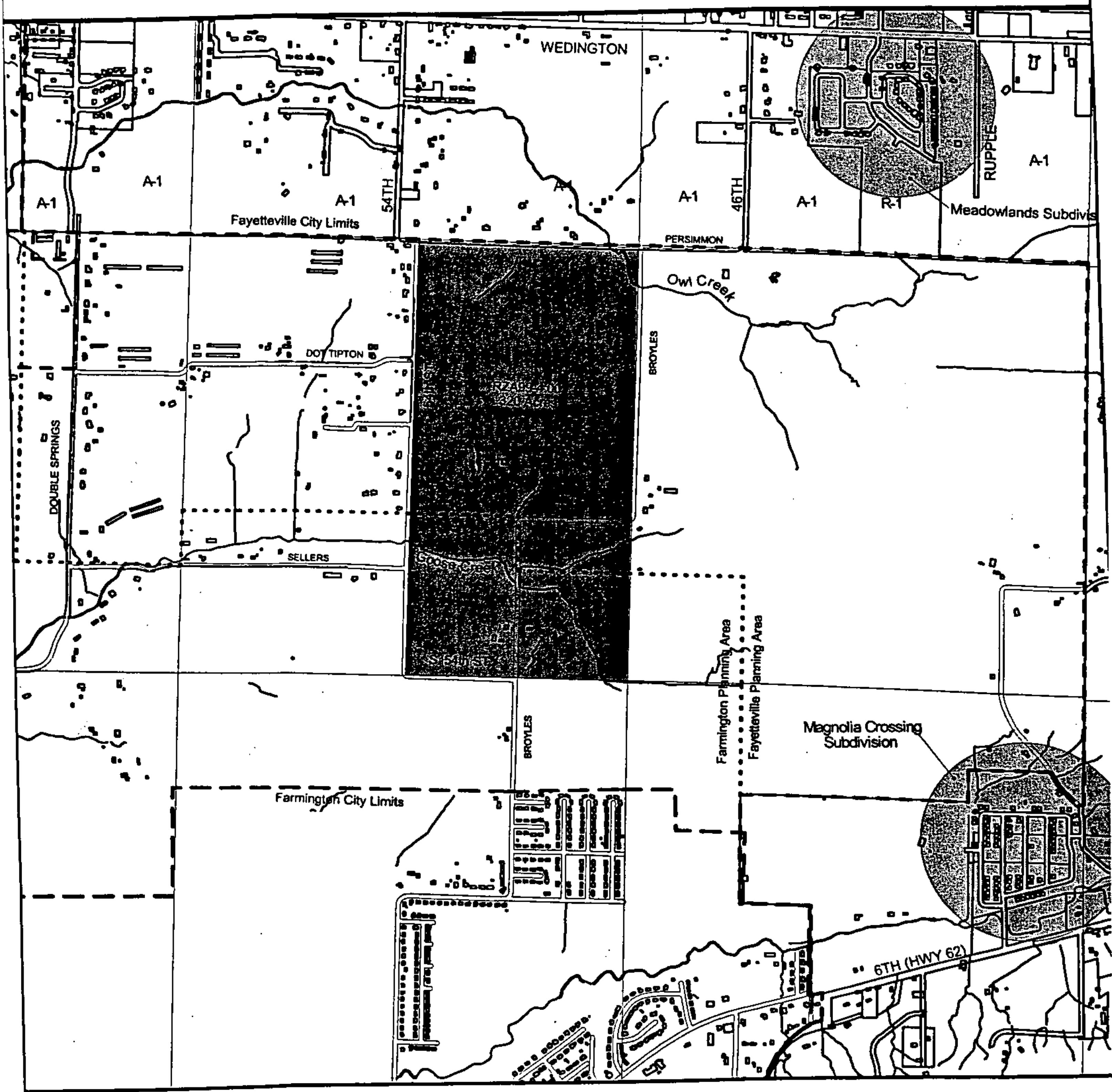
Streets: North: Persimmon, Classified as a Collector (70' of row required)
South: S. 54th Avenue, Classified as a Local street
East: Broyles, Classified as a Collector (70' of row required)
West: 54th Avenue, Classified as a Principal Arterial (110' of row required)

Water: 8" line along 54th, 2" line along Persimmon, 8" line along S. 54th.

Sewer: 10" line crossing the northeast corner of the property.

LAND USE PLAN: General Plan 2020 classifies this area as residential. The south portion of this property is located in the Farmington Planning Area. Cities are allowed to annex areas located in other planning areas. The City of Farmington has been provided a copy of the report.

Sewer Treatment Plant



99 NOV 29 AM 10 07

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

MARILENE EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.IN THE MATTER OF:
ANNEXATION OF LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE, ARKANSAS

PETITIONER

Case. No. CC 99-16

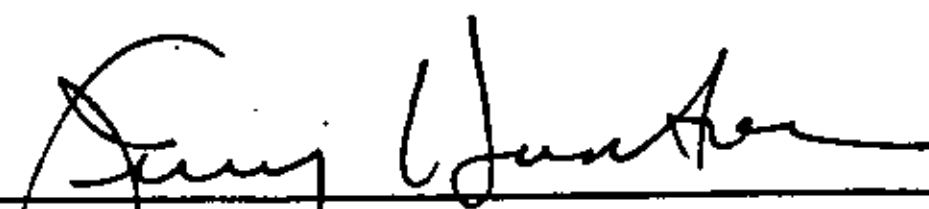
ORDER OF ANNEXATION

NOW on this 29th day of November, 1999, the Petition for Annexation filed herein came on for hearing before the Washington County Court. From the evidence presented and a review of the complete case file, the Court finds:

1. The City of Fayetteville, Arkansas, is the sole owner of all the real property described in Exhibit "A" attached to the Petition for Annexation which real property is described in Exhibit "A" to this Order.
2. Said real property is contiguous to and adjoining the City of Fayetteville, Arkansas.
3. Petitioner has caused a Notice of the hearing on the Petition for Annexation to be published one time a week for three consecutive weeks in the Northwest Arkansas Times, a newspaper of general circulation in Washington County. Said notice contains the substance of the Petition and states the time and place for the hearing on said petition. Proof of Publication of said notice has been filed with the Court.
4. The Court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of the Petitioner is right and proper.

IT IS, THEREFORE, ORDERED by the County Court of Washington County,
Arkansas, that the Petition for Annexation filed herein is hereby granted and the real property
described in Exhibit "A" attached to this Order is hereby annexed to the City of Fayetteville,
Arkansas.

DATED this 29th day of November, 1999.



Washington County Judge

Planning Commission Minutes
December 13, 1999
Page 25

**RZA99-4: ANNEXATION
CITY OF FAYETTEVILLE, PP476**

This item was submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon bound on the west by 54th and bound on the east by county road 648. The property contains approximately 320 acres and is in the Fayetteville growth area.

Don Bunn was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested annexation based on the findings included as part of this report.

Commission Discussion

Johnson: This is the property which the City has purchased and on which it proposes to build the second sewage treatment plant on the west side of town. The staff is recommending approval of this annexation. The commission deals with the annexation and acts on it one way or another but as you know, the City Council makes the final determination as to whether or not the land is annexed. We toured this property in the heavy rain the other day. We know where it's located. It's a large tract of essentially undeveloped property. There is one old house that the city is protecting and I believe there is a cemetery that won't be disturbed. I understand that the house has historic value and it is going to be preserved as well. I believe that the thinking is that the construction is not going to be that close to the house. I don't know that and I don't whether an exact site has been set. I believe the house is not threatened by this project.

Conklin: That is correct. The City will work around the historic homestead on this property and leave the cemetery intact. There is enough acreage to site the sewage treatment plant. Between 30 and 40 acres is estimated to be needed for the sewage treatment plant so actually there is quite a bit more land than what truly is needed just for the actual plant.

Johnson: Mr. Bunn, do you have a presentation for us or are you here for questions? We are glad to here whatever you have to say to us this evening.

Bunn: I don't have a presentation. I will be glad to answer any questions that you might have. The location of the treatment plant on the site is planned to be confined to the south 120 acres. There are two 100 acre tracts to the north which was purchased really for the purpose of making the land adjacent to the our existing city limits. I'll be glad to answer any questions that you have.

Planning Commission Minutes
December 13, 1999
Page 26

Johnson: Initial questions?

Hoffman: Normally an annexation comes with a rezoning and this doesn't have one.

Conklin: Treatment plants are a use unit 3 and are allowed as a use by right in an A-1 zone. Therefore, we do not need to rezone this property for the treatment plant. It will come back through the City process as a large scale development and we will see the project again here at Planning Commission.

Public Comment

M.G. Meyerson of Farmington was present.

Meyerson: My question is that 2 years ago there was a vote put before the people on annexing this land into the City of Fayetteville. That was voted down. Can you explain to me the procedure of how this is being brought to light once more and that the City of Fayetteville is going ahead to make plans to purchase the land and annex it?

Johnson: It's my understanding and I'll let staff correct me if I'm wrong. It's my understanding that the City has purchased the property.

Bunn: Yes.

Johnson: The City is then the owner of the property and the City as the owner may seek to annex it's own property which this now is. I believe that is the primary difference. It's one thing if you seek to annex somebody else's property but if you are annexing your own property, I believe that is the way it is typically done.

Meyerson: That's very interesting. Thank you.

MOTION

Ward: I move approval of RZA99-4 for the 320 acres.

Johnson: Is there a second?

Marr: Second.

Johnson: We have the motion by Commissioner Ward and the second by Commissioner Marr that we approve RZA99-4 to annex the 320 acres into the City. Is there discussion? This is to recommend that the Council proceed with the annexation of the land.

Planning Commission Minutes
December 13, 1999
Page 27

Hoffman: I will not support the annexation. Not because I don't think that we need more sewer capacity but because I feel that there has been a problem with the site selection in terms of the location. I don't know if we could have found property all ready within the city limits. I'm not up on that. I feel that I need to state the reason why I am voting against this. It's because I would have liked to have been appraised of whether there was property already within the City and not needing to put our sprawl in this area.

Johnson: Other comments or questions on this motion?

Roll Call

Upon roll call, the motion passed with a vote of 6-1-0. Commissioner Hoffman voted against the motion.

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE ANNEXATION
TO THE CITY OF FAYETTEVILLE, ARKANSAS OF
APPROXIMATELY 320 ACRES OWNED BY THE CITY
OF FAYETTEVILLE, AS REQUESTED IN RZA99-4.

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

Section 1: That the City Council hereby confirms the annexation to the City of
Fayetteville, Arkansas, of the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That the above described property is hereby assigned to ward No.
_____.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By _____
Fred Hanna, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

The East-half (E1/2) of Section Fourteen (14), Township Sixteen (16) North, Range Thirty-one (31) West of the Fifth Principal Meridian, Washington County, Arkansas, containing 320 acres, more or less.

14-16-31 RZA 99-4.00
PP 476 City of Fayetteville

☒ Agenda Request
☐ Contract Review
☐ Grant Review

STAFF REVIEW FORM

For the Fayetteville City Council meeting of January 4, 2000.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th and bound on the east by county road 648. The request is to annex approximately 320 acres.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the annexation with a vote of 6-1-0. Commissioner Hoffman voted against the annexation.


Division Head

12-17-99

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services
Director

Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Tim Conklin, City Planner
DATE: December 13, 1999

RZA 99-4.00: Annexation (City of Fayetteville, pp 476) was submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon bound on the west by 54th and bound on the east by county road 648. The property contains approximately 320 acres .

RECOMMENDED MOTION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: ☒ Required
☐ Approved ☐ Denied

Date: 12/13/99

Comments:

CITY COUNCIL ACTION: ☐ Required
☐ Approved ☐ Denied

Date: ____/____/____

BACKGROUND :

The City has requested this 320 acre annexation for the proposed sewer treatment plant site. The site automatically comes into the City zoned A-1, Agricultural. Treatment plants are listed under Use Unit 3 - Public Protection and Utility Facilities and are a use by right under A-1 zoning. The actual location of the treatment plant has not yet been determined on this property; however, it will likely be located near Goose Creek which is located on the southern portion of the property. The property does contain areas of 100 year floodplain and floodway along Goose Creek located on the southern portion of the property and Owl Creek located on the northeastern portion of the property.

The property does contain a small cemetery, an historic homestead and one single family residence. The remainder of the property is undeveloped and has been used as pasture land.

The order of annexation was filed on October 26, 1999 and the confirmation of the order was signed by Washington County Judge Jerry Hunton on November 29, 1999.

ADJACENT LAND USE AND ZONING:

North: Undeveloped, Single Family Homes, A-1

South: Undeveloped, County

East: Undeveloped, Single Family Home, County

West: Undeveloped, Single Family Homes, County

INFRASTRUCTURE:

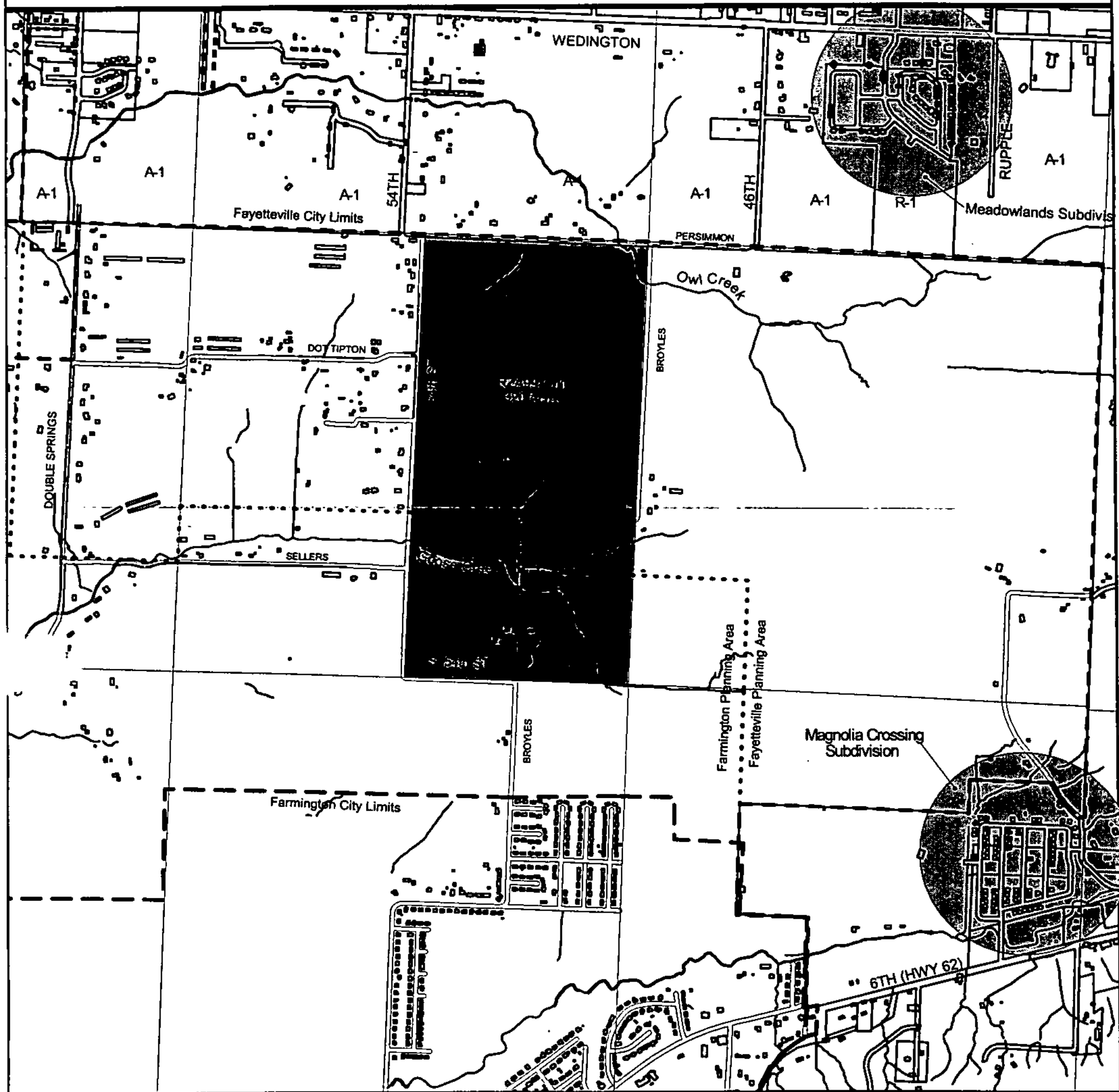
Streets: North: Persimmon, Classified as a Collector (70' of row required)
South: S. 54th Avenue, Classified as a Local street
East: Broyles, Classified as a Collector (70' of row required)
West: 54th Avenue, Classified as a Principal Arterial (110' of row required)

Water: 8" line along 54th, 2" line along Persimmon, 8" line along S. 54th.

Sewer: 10" line crossing the northeast corner of the property.

LAND USE PLAN: General Plan 2020 classifies this area as residential. The south portion of this property is located in the Farmington Planning Area. Cities are allowed to annex areas located in other planning areas. The City of Farmington has been provided a copy of the report.

Sewer Treatment Plant



FILED

99 NOV 29 AM 10 07

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

MARLENE EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE MATTER OF:
ANNEXATION OF LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE, ARKANSAS

PETITIONER

Case. No. CC 99-16

ORDER OF ANNEXATION

NOW on this 29th day of November, 1999, the Petition for Annexation filed herein came on for hearing before the Washington County Court. From the evidence presented and a review of the complete case file, the Court finds:

_____ 1. The City of Fayetteville, Arkansas, is the sole owner of all the real property described in Exhibit "A" attached to the Petition for Annexation which real property is described in Exhibit "A" to this Order.

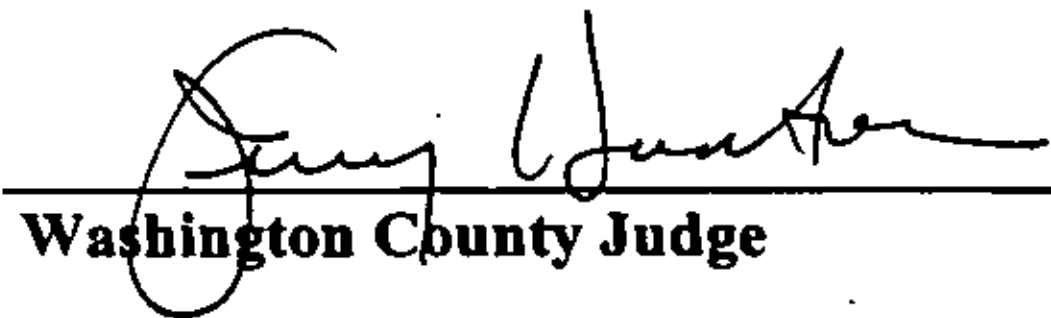
2. Said real property is contiguous to and adjoining the City of Fayetteville, Arkansas.

3. Petitioner has caused a Notice of the hearing on the Petition for Annexation to be published one time a week for three consecutive weeks in the Northwest Arkansas Times, a newspaper of general circulation in Washington County. Said notice contains the substance of the Petition and states the time and place for the hearing on said petition. Proof of Publication of said notice has been filed with the Court.

4. The Court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of the Petitioner is right and proper.

IT IS, THEREFORE, ORDERED by the County Court of Washington County,
Arkansas, that the Petition for Annexation filed herein is hereby granted and the real property
described in Exhibit "A" attached to this Order is hereby annexed to the City of Fayetteville,
Arkansas.

DATED this 29th day of November, 1999.



Washington County Judge

**RZA99-4: ANNEXATION
CITY OF FAYETTEVILLE, PP476**

This item was submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon bound on the west by 54th and bound on the east by county road 648. The property contains approximately 320 acres and is in the Fayetteville growth area.

Don Bunn was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested annexation based on the findings included as part of this report.

Commission Discussion

Johnson: This is the property which the City has purchased and on which it proposes to build the second sewage treatment plant on the west side of town. The staff is recommending approval of this annexation. The commission deals with the annexation and acts on it one way or another but as you know, the City Council makes the final determination as to whether or not the land is annexed. We toured this property in the heavy rain the other day. We know where it's located. It's a large tract of essentially undeveloped property. There is one old house that the city is protecting and I believe there is a cemetery that won't be disturbed. I understand that the house has historic value and it is going to be preserved as well. I believe that the thinking is that the construction is not going to be that close to the house. I don't know that and I don't whether an exact site has been set. I believe the house is not threatened by this project.

Conklin: That is correct. The City will work around the historic homestead on this property and leave the cemetery intact. There is enough acreage to site the sewage treatment plant. Between 30 and 40 acres is estimated to be needed for the sewage treatment plant so actually there is quite a bit more land than what truly is needed just for the actual plant.

Johnson: Mr. Bunn, do you have a presentation for us or are you here for questions? We are glad to have whatever you have to say to us this evening.

Bunn: I don't have a presentation. I will be glad to answer any questions that you might have. The location of the treatment plant on the site is planned to be confined to the south 120 acres. There are two 100 acre tracts to the north which was purchased really for the purpose of making the land adjacent to our existing city limits. I'll be glad to answer any questions that you have.

Planning Commission Minutes

December 13, 1999

Page 26

Johnson: Initial questions?

Hoffman: Normally an annexation comes with a rezoning and this doesn't have one.

Conklin: Treatment plants are a use unit 3 and are allowed as a use by right in an A-1 zone. Therefore, we do not need to rezone this property for the treatment plant. It will come back through the City process as a large scale development and we will see the project again here at Planning Commission.

Public Comment

M.G. Meyerson of Farmington was present.

Meyerson: My question is that 2 years ago there was a vote put before the people on annexing this land into the City of Fayetteville. That was voted down. Can you explain to me the procedure of how this is being brought to light once more and that the City of Fayetteville is going ahead to make plans to purchase the land and annex it?

Johnson: It's my understanding and I'll let staff correct me if I'm wrong. It's my understanding that the City has purchased the property.

Bunn: Yes.

Johnson: The City is then the owner of the property and the City as the owner may seek to annex it's own property which this now is. I believe that is the primary difference. It's one thing if you seek to annex somebody else's property but if you are annexing your own property, I believe that is the way it is typically done.

Meyerson: That's very interesting. Thank you.

MOTION

Ward: I move approval of RZA99-4 for the 320 acres.

Johnson: Is there a second?

Marr: Second.

Johnson: We have the motion by Commissioner Ward and the second by Commissioner Marr that we approve RZA99-4 to annex the 320 acres into the City. Is there discussion? This is to recommend that the Council proceed with the annexation of the land.

Hoffman: I will not support the annexation. Not because I don't think that we need more sewer capacity but because I feel that there has been a problem with the site selection in terms of the location. I don't know if we could have found property all ready within the city limits. I'm not up on that. I feel that I need to state the reason why I am voting against this. It's because I would have liked to have been appraised of whether there was property already within the City and not needing to put our sprawl in this area.

Johnson: Other comments or questions on this motion?

Roll Call

Upon roll call, the motion passed with a vote of 6-1-0. Commissioner Hoffman voted against the motion.

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE ANNEXATION
TO THE CITY OF FAYETTEVILLE, ARKANSAS OF
APPROXIMATELY 320 ACRES OWNED BY THE CITY
OF FAYETTEVILLE, AS REQUESTED IN RZA99-4.

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

Section 1: That the City Council hereby confirms the annexation to the City of
Fayetteville, Arkansas, of the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That the above described property is hereby assigned to ward No.

_____.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By _____
Fred Hanna, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

The East-half (E1/2) of Section Fourteen (14), Township Sixteen (16) North, Range Thirty-one (31) West of the Fifth Principal Meridian, Washington County, Arkansas, containing 320 acres, more or less.

THE CITY OF FAYETTEVILLE, ARKANSAS

December 16, 1999

Don Bunn
Administration
113 W. Mountain
Fayetteville, AR 72701

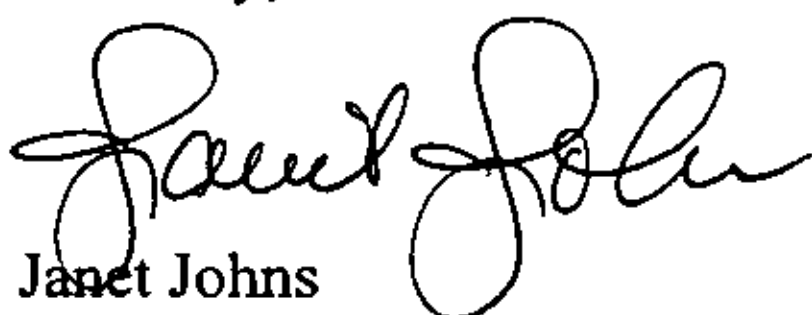
Re: RZA99-4 City of Fayetteville
pp476

Dear Mr. Bunn:

I am pleased to inform you that the annexation for the sewer treatment plant project was approved by the Planning Commission on January 13, 1999, as indicated in the attached Minutes.

I have prepared an agenda request to set this for hearing with the City Council on January 4, 2000. Should you have any questions, please contact Heather Woodruff, City Clerk at 575-8323.

Sincerely,


Janet Johns
Recording Secretary

/jj

**RZA99-4: ANNEXATION
CITY OF FAYETTEVILLE, PP476**

This item was submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon bound on the west by 54th and bound on the east by county road 648. The property contains approximately 320 acres and is in the Fayetteville growth area.

Don Bunn was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested annexation based on the findings included as part of this report.

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Johnson: Other comments or questions on this motion?

Roll Call

Upon roll call, the motion passed with a vote of 6-1-0. Commissioner Hoffman voted against the motion.

BATSON, BILLY W.
& LENA S.
611 MUDELL ROAD
EUREKA SPRINGS, AR 72632

PICTOR, SAT KARM
SINGH & TERESA
16 SOUTH WEST
FAYETTEVILLE, AR 72701

HARRIMAN JOETTA ET AL
414 WEST MOUNTAIN
PO BOX 1465
FAYETTEVILLE, AR 72702

MINER, JAY C. & ANDREA
308 WEST ROCK STREET
FAYETTEVILLE, AR 72701

ALLRED, JERRY K.
& KAREN K.
70 NORTH COLLEGE #5
FAYETTEVILLE, AR 72701

WEST STREET
CONSORTIUM, LLC
111 SOUTH WEST AVENUE
FAYETTEVILLE, AR 72701

DRUDING, DAVID
114 CATO SPRINGS ROAD
FAYETTEVILLE, AR 72701

OSTNER, ALAN M.
& JENSEN, MOLLY
111 SOUTH WEST STREET
FAYETTEVILLE, AR 72701

BECHAUD, JEAN P.
MARTIN, ALICE I.
713 PEACH TREE LANE
GARLAND, TX 75041

BECHAUD, JEAN P.
& ANITA M.
119 SOUTH WEST
FAYETTEVILLE, AR 72701

MCLELAND, SYLVIA;
MCLELAND, LONNIE &
CRANE DONNA
127 SOUTH WEST STREET
FAYETTEVILLE, AR 72701

THURMAN, HERBERT K.
THURMAN, MICHAEL GEORGE
114 SOUTH SCHOOL
FAYETTEVILLE, AR 72701

FAYETTEVILLE CITY HOSPITAL
221 SOUTH SCHOOL
FAYETTEVILLE, AR 72701

CITY OF FAYETTEVILLE,
ARKANSAS A MUNICIPAL CORP.
PO DRAWER F
FAYETTEVILLE, AR 72702

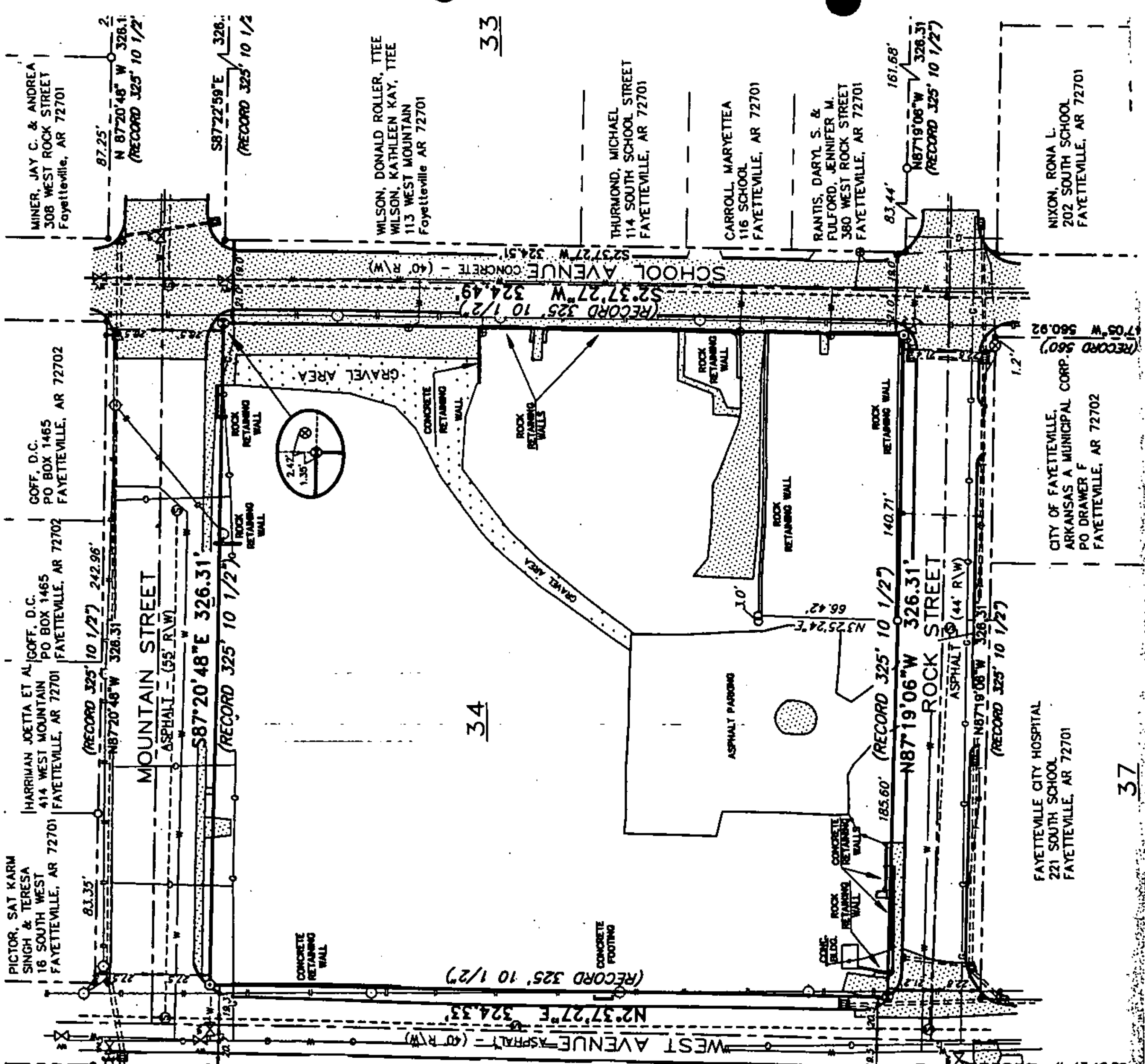
NIXON, RONA L.
202 SOUTH SCHOOL
FAYETTEVILLE, AR 72701

WILSON, DONALD ROLLER, TTEE
WILSON, KATHLEEN KAY, TTEE
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701

THURMOND, MICHAEL
114 SOUTH SCHOOL STREET
FAYETTEVILLE, AR 72701

CARROLL, MARYETEA
116 SCHOOL
FAYETTEVILLE, AR 72701

RANTIS, DARYL S. &
FULFORD, JENNIFER M.
380 WEST ROCK STREET
FAYETTEVILLE, AR 72701



33

34

35

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37

ANNEXATION

FOR STAFF USE ONLY**FEE: \$325.00**

Date Application Submitted: _____

Date Accepted as Complete: _____

Case / Appeal Number: _____

Public Hearing Date: _____

B2 A 99-4

12-13-99

S-T-R: _____

PP#: 476-515

Zone: Cnty

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name- City of Fayetteville

Address - 113 W. Mountain
Fayetteville AR

Phone -

()

()

Fax -

()

Representative (engineer, surveyor, realtor, etc.):

Name- Don Bunn

Address - 113 W. Mountain
Fayetteville

Phone -

() 575-8330

()

Fax -

()

Site Address / Location: South of Persimmon; Bound on west by 5th;
Bound on east by County Rd 648

Assessor's Parcel Number(s) for subject property: 001-11780-000; 11780; 11819; 11820;
11821

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am

Name (printed): Don Bunn

Date: 11-16-99

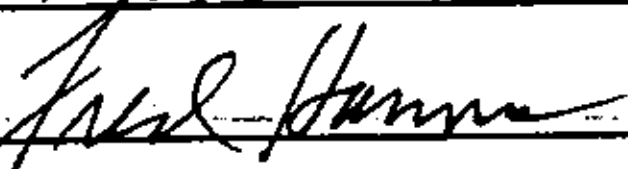
Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

+ Name (printed): Fred Hanna

Address - _____

Signature: 

Phone - _____

Date: _____

() _____

Name (printed): _____

Address - _____

Signature: _____

Phone - _____

Date: _____

() _____

Checklist:

Attach the following items to this application:

- ☐ 1. Payment in full of applicable fees for processing the application (\$325.00).
- ☐ 2. A copy of the deed or survey of the property to be annexed. A survey may be required if the property description can't accurately be platted or if it is described by referring to other deeds.
- ☒ 3. Two sets of typed, mailing labels listing the name and address of each adjacent property owner. May be found at the county assessor's office.
- ☐ 4. A copy of the plat on record in the county assessor's office. The owner's name and the parcel number for every adjacent property shall be shown on this plat (map).
- ☒ 5. Copy of "Order of Annexation", signed by the county judge and file marked (by the circuit clerk) from Washington County.

*Note: When property is annexed into the City limits, it is automatically assigned the zoning district of A-1, Agriculture. If a different zoning designation is desired, rezoning must be requested. Applications for rezoning requests are available in the Planning Office.

Charles

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:
ANNEXATION OF LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE, ARKANSAS

PETITIONER

Case No. CC 99-16

ORDER

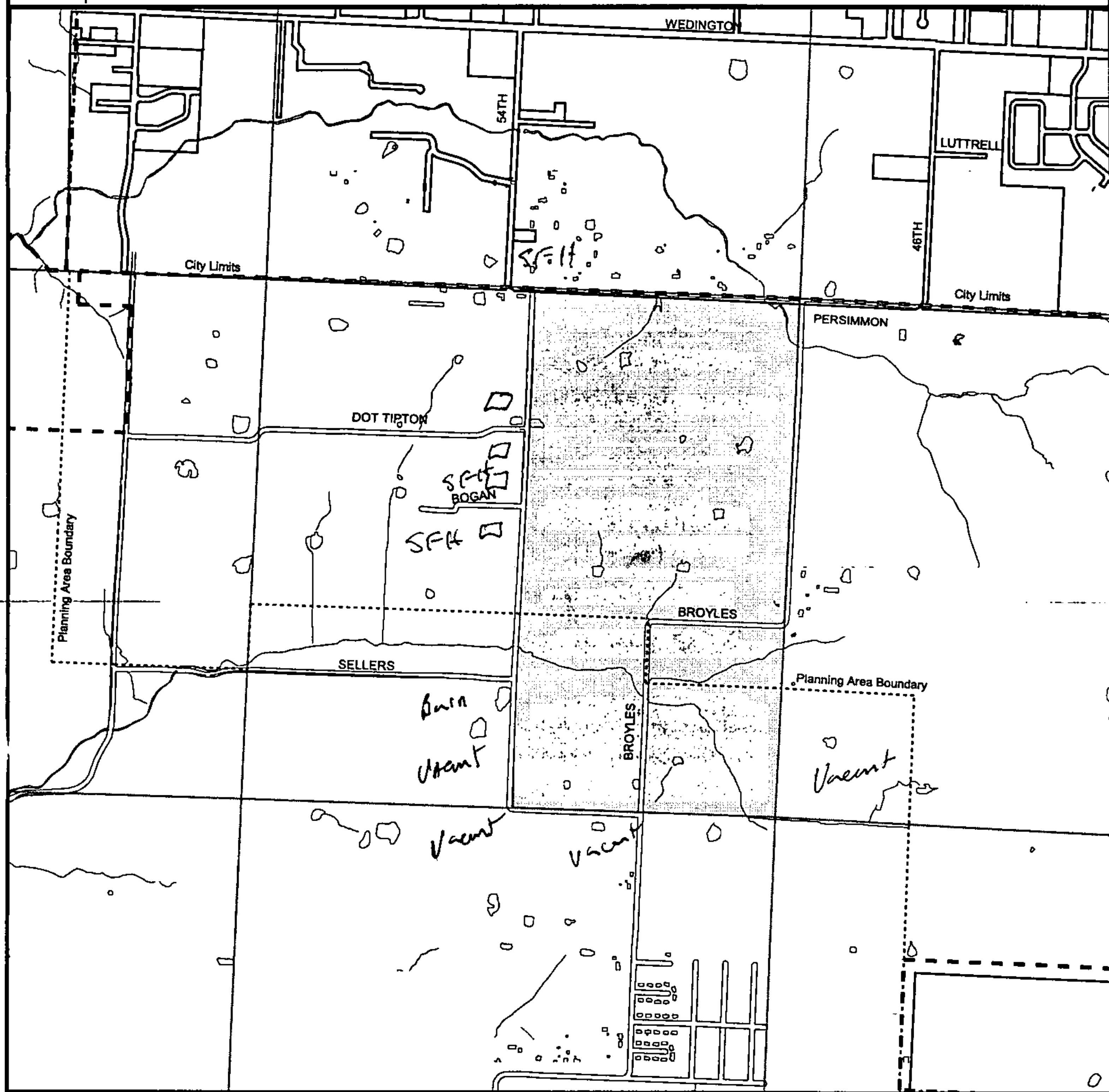
On this the 26th day of October, 1999, is filed the petition of real estate owners desiring the annexation of territory to the City of Fayetteville, Arkansas, more particularly described therein, and this Court does hereby fix the 29th day of November, 1999, ^{10:00 a.m.} as the date for hearing on said petition, and the Clerk shall give notice of such hearing as provided by law, said hearing to be held in the office of the County Judge at Washington County Courthouse 280 N. College, Fayetteville, AR 72701.


County Judge

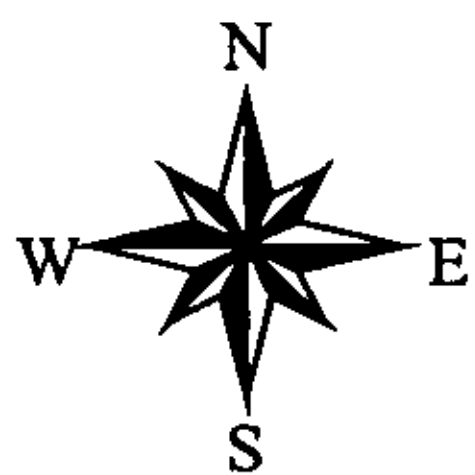
FILED
99 OCT 26 AM 10 23
MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

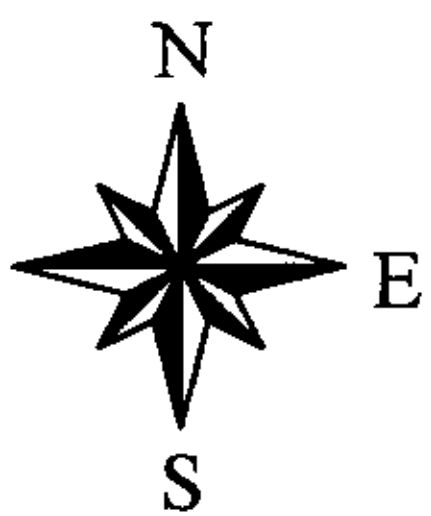
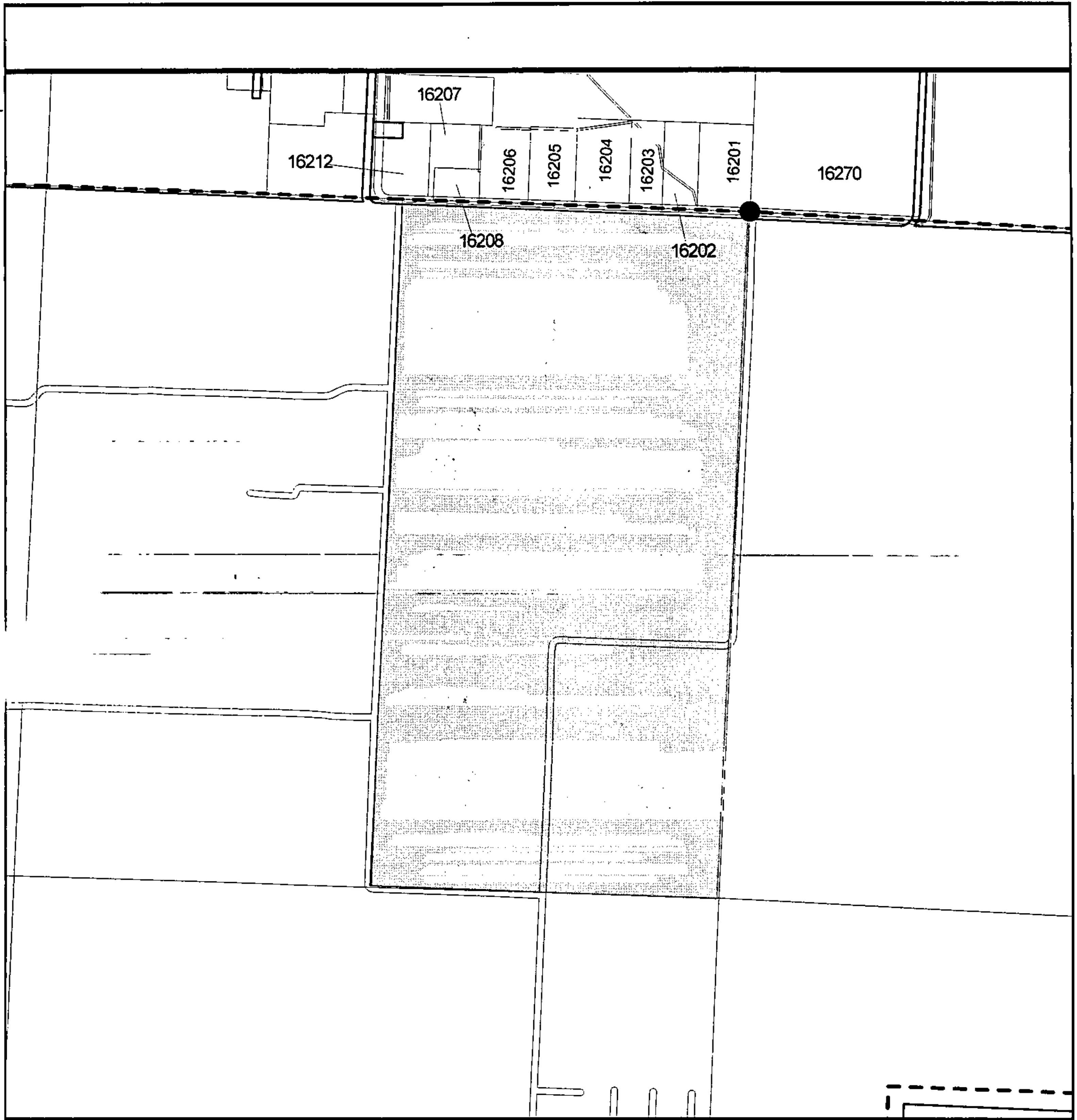
515
PP 474

Sewer Treatment Plant



1400 0 1400 Feet





200 0 200 Feet

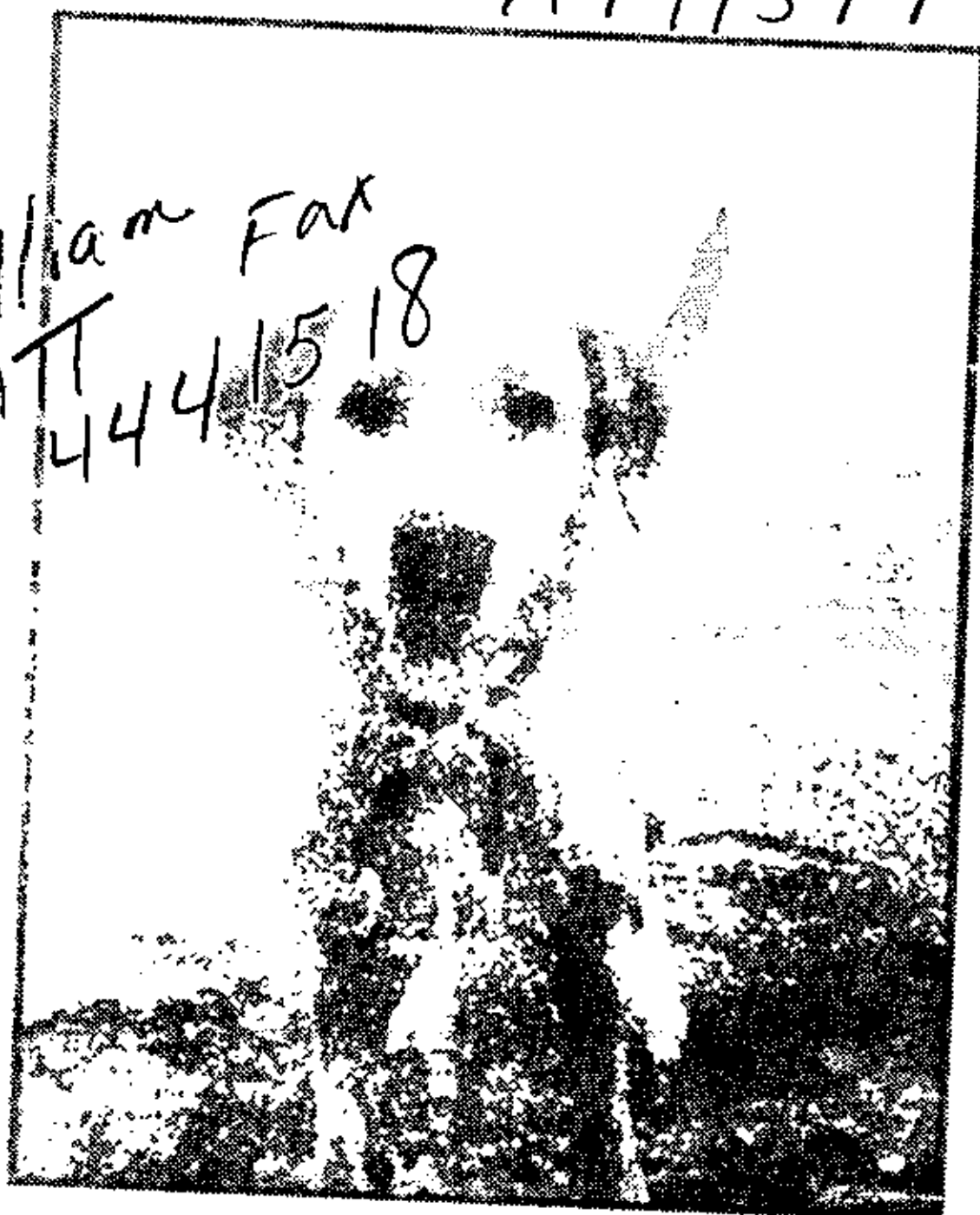


TREAS.

E 1/2

LeAnn
44441519

William Fox
ATT
44441518



Basement
Area

0

Wall I, Janet Johns, Fayetteville, AR

:24..... :
:28.....D24.....24..... :

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
09/30/92	92	50069	PRUET, FLOYD A. & CAROL J.		WD	147,000	323.40
01/01/85	1073	751	SIMCO. WILLIAM H. & BETTY M.		WD	0	0.00

Record 1 of 1

Parcel Number: 765-16205-000

Type: AI

Location Address: 5206 PERSIMMON LN

Owner name: PATTERSON, LEONARD G. & BARBARA

Mailing Address: 5206 W PERSIMMON ST FAYETTEVILLE AR 72704-7503

Lot:

Block:

S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SW SE 4.69A

Current Year: 1995

Appraised value

Assessed value

Land

12,600

2,520

Improvement

70,500

14,100

Total

83,100

16,620

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	MV	1,672	1,672	23	0

Structure Sketch

```

      ..12.....28.....
      2      2      2
      2 SEP 2  FFA(616)  2
      :      :      :
1.....:12..53....28.....:20.....
6
:
:..11..1      MN(1672)      :
2      :      :.....20.....:
:      :      :
:.....D17.....:

```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
08/01/89	1329	506	PATTERSON, LEONARD G. & BARBARA		WD	95,000	209.00
12/18/89 NEW OB APP BY DW.							
01/01/85	1053	152	WALTZ, BILL D. & MARIANNE		WD	0	0.00
NEW ADDN TO EXISTING DWG FOR '86.							

Record 1 of 1

Parcel Number: 765-16212-000 **Type:** RI
Location Address: 530 N 54TH AVE
Owner name: CLEVENGER, CECIL T. & JACQUELINE
Mailing Address: 530 N 54TH ST FAYETTEVILLE AR 72704
Lot: **Block:** **S-T-R:** 11-16-31
Addition: 11-16-31 FAYETTEVILLE OUTLOTS
School District: FARMINGTON SCHOOLS
City: FAYETTEVILLE
Legal: PT SW SE PT SE SW .25 A.

Current Year: 1995	Appraised value	Assessed value
Land	12,000	2,400
Improvement	58,850	11,770
Total	70,850	14,170

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	MF	1,514	1,514	21	0

Structure Sketch

```

      ...14.....18.....
      :CS(168):FEP(216) :
1.....14.....184.....:
0                                     :
:                                     3
:.....20.....  MN(1514)  0
2          2                                     :
0 FFA(400) 0                                     :
:          :                                     :
:.....20.....15.....6.....23.....:
              :.E6
  
```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
11/10/98	98	97728	CLEVANGER, CECIL T. & JACQUELINE		WD	0	0.00
98-97728 WD NO REV							

01/01/85	715	18	CLEVANGER, CECIL T. & JACQUELINE		WD	0	0.00
----------	-----	----	--	--	----	---	------

2/12/87 '86 CR #1404, CHG #1467-THIS AC. AMT. ALL THAT IS ALLOWABLE
UNDER VETS EXEMPT INSIDE CORPORATE LIMITS, PER COLL. OFF, SEE #001;
5/15/89 NEW CARPORT APP BY DJ & JW.

[Return to List](#)
[Return to Search](#)
[Parcel Map/Plat](#)

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-16201-000

Type: A1

Location Address: 4904 WC 650

Owner name: HAYES, WILLIAM B. & JULIA

Mailing Address: 4904 W PERSIMMON FAYETTEVILLE AR 72701

Lot: Block: S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT S/2 SE SE 6A

Current Year: 1995

Appraised value

Assessed value

Land	12,800	2,560
Improvement	42,850	8,570
Total	55,650	11,130

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	FS	1,080	1,080	22	0

Structure Sketch

```

      ....20.....
      : PCA/PS :
.....45....20.....:.....24.....
2
4      MN(1080)      4 FFA(576)  4
:
:
:.....45.....:.....24.....:
:..D9:
```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
01/01/85	836	9	HAYES, WILLIAM B. & JULIA		WD	0	0.00

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-16208-000

Type: AI

Location Address: 0

Owner name: GALLAGHER, FRANCES J.

Mailing Address: 5402 PERSIMMON ST FAYETTEVILLE AR 72703

Lot:

Block:

S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SW SE 2 A. 250 X 347.5

Current Year: 1995

Appraised value**Assessed value**

Land

12,150

2,430

Improvement

19,100

3,820

Total

31,250

6,250

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	FS	1,398	1,398	41	0

Structure Sketch

```

...8...          ....14....
:B.:.....:.....C14...
:              46              :..
:              :E:.....
3              2:D10  :
2              MN(1366)      9:.10...
:              :
:              :
:              :
:              ....11....
:              ...7.:      :.F4..10...
:.....18.....:

```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
01/01/85	1132	298	GALLAGHER, FRANCES J.		WD	0	0.00

Record 1 of 1

Parcel Number: 765-16270-000

Type: AV

Location Address: 0

Owner name: JONES, PEGGY RUTH GUISINGER; GUISINGER, PAUL JR.;
GUISINGER,*Mailing Address: c/o DAVID LASHLEY 111 NORTH CHURCH AVENUE
FAYETTEVILLE AR 72701

Lot:

Block:

S-T-R: 12-16-31

Addition: 12-16-31 FAYETTEVILLE OUTLOTS

School District: FAYETTEVILLE SCHOOLS

City: FAYETTEVILLE

Legal: SW SW 40 A.

Current Year: 1995

Appraised value

Assessed value

Land

6,650

1,330

Improvement

0

0

Total

6,650

1,330

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
05/30/95	P-94	277	JONES, PEGGY RUTH GUISINGER;	GUISINGER, PAUL JR.; GUISINGER,*	PB	0	0.00
FCS 98: *JAMES; SAGER, LOUISE; JONES, JEAN KIGHT; KIGHT, RODNEY D. P-94-255 EST OF MILDRED KIGHT, DEC.							
09/17/86	1193	874	JONES, PEGGY RUTH GUISINGER;	GUISINGER, PAUL JR.; GUISINGER,*	FD	0	0.00
FCS 97: *JAMES; SAGER, LOUISE; JONES, JEAN KIGHT; KIGHT, RODNEY D. 1193-874 FD NO REV INCL #16200							
09/17/86	1193	874	GUISINGER, CARLOS W. JR.; JONES,	PEGGY RUTH GUISINGER ETAL	FD	0	0.00
NO REV.							
08/19/86	1193	877	JONES, PEGGY RUTH GUISINGER ETAL		WD	0	0.00
1/3 INT, OTHERS 2/3?							
01/01/85	1090	373	FIRST NATIONAL BANK, FAY. TRS		WD	0	0.00

Record 1 of 1

Parcel Number: 765-16204-000

Type: AI

Location Address: 5180 PERSIMMON LN

Owner name: CALICO, CLIFFORD J. & IDA B., CO-TRUSTEES"THE CALICO FAMILY TR

Mailing Address: 5180 PERSIMMON FAYETTEVILLE AR 72701

Lot:

Block:

S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SE SE 6.21A

Current Year: 1995

Appraised value

Assessed value

Land

12,850

2,570

Improvement

85,050

17,010

Total

97,900

19,580

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	FS	1,774	1,774	15	0

Structure Sketch

```

.....57.....2...22.....
3              1              3
0      MN(1774)      : FFA(588) 0
:              :.8..      :
:              :      :
:.....33.....C:.....28.....14...

```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
02/16/93	93	11607	CALICO, CLIFFORD J. & IDA B.,	CO-TRUSTEES"THE CALICO FAMILY TR	WD	0	0.00
93-11608 DEATH CERT OF HARVEY WAYNE BAYLEY, DTD 5/18/85. NO REV FROM IDA CALICO, PREV IDA B BAYLEY, SURV SPOUSE OF WAYNE BAYLEY.							
01/01/85	966	911	BAYLEY, WAYNE & IDA B.		WD	0	0.00

Record 1 of 1

Parcel Number: 765-16203-000

Type: A1

Location Address: 5074 PERSIMMON LN

Owner name: LEWIS, H. DON & DORIS A.

Mailing Address: 5074 W PERSIMMON ST FAYETTEVILLE AR 72701

Lot: Block: S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SE SE 3.80A 250 X 660

Current Year: 1995	Appraised value	Assessed value
Land	12,450	2,490
Improvement	151,400	30,280
Total	163,850	32,770

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	FS	2,685	3,473	71	0

Structure Sketch

```

.....37.....
:                2
1.1              7
6C6              :
: :              :...22.....12...
2:...16..2      2    2
0  20  0      MN(2685)  6    6
: FFA(400):      : SEP :
:...20...:10..   : 12  :
          :.71    :....24....1
          6        6
          :        :
          :.....46.....:
          :.....E36.....:

```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
08/18/86	1205	202	LEWIS, H. DON & DORIS A.		WD	75,000	82.50
5/25/89 NEW ADDN APP BY JW & DJ; 1/26/93 NEW ADDN APP BY DW & HF.							

01/01/85	972	48	KINGHORN, ROGER J. & JACQUELINE		WD	0	0.00
----------	-----	----	---------------------------------------	--	----	---	------

[Return to List](#)
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[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-16202-000

Type: RI

Location Address: 0

Owner name: HOLCOMB, CLAYTON & ANGELEA

Mailing Address: 4994 PERSIMMON FAYETTEVILLE AR 72701

Lot: Block: S-T-R: 11-16-31

Addition: 11-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SE SE 3.99A

Current Year: 1995	Appraised value	Assessed value
Land	26,950	5,390
Improvement	60,000	12,000
Total	86,950	17,390

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01	SF	FS	1,540	1,540	14	0

Structure Sketch

```

      1.....47.....1
      2.....2
      :          CS(564) :
.....:.....5547.....:
      :          :
      2.....2
      8          MN(1540) 8
      :          :
      :          :
      :          :
.....:.....C6:.....:
      : WD 16 :
      :.....16.....:
  
```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
10/01/86	1199	111	HOLCOMB, CLAYTON & ANGELEA		WD	78,000	85.80

FROM WOOD TO HOLCOMB. 93-11607 WD NO RV FROM IDA CALICO TO CLIFFORD J. & IDA B. CALICO, CO-TTEE CALICO FAMILY TRUST-DEED INCLS THIS PROPERTY.

01/01/85	1120	818	WOOD, GARY S. & DE EE		WD	0	0.00
----------	------	-----	--------------------------	--	----	---	------

[Return to List](#)
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[Parcel Map/Plat](#)

Frances Atwater Lindloff
Damaris H. Rainwater Trust
C/O Damaris Rainwater
2727 E. Cedar Ave. #3
Denver, CO. 80206

Richard L. Swaffar
P.O. Box 235
Farmington, AR. 72730

Hoyet Greenwood
452 N. 46th Ave.
Fayetteville, AR. 72704

John and Reba Jordan
158 S. Broyles Ave.
Fayetteville, AR. 72701

Mary Holland Welborn
308 E. Main
Farmington, AR. 72730

Bill L. Sellers, TR. ET. AL.
WC-862.
13193 Sellers RD.
Fayetteville, AR. 72703

Carl and Doris Yates
1400 Eastwood
Fayetteville, AR. 72701



AVERY®

Address Labels

Laser

5160®

Floyd and Carol Pruet
5310 W. Persimmon LN
Fayetteville, AR. 72703.

Leonard and Barbara Patterson
5206 W. Persimmon ST.
Fayetteville, AR. 72704-7503

Clifford and Ida Calico (Co-Trustees)
5180 Persimmon
Fayetteville, AR. 72701

Cecil and Jacqueline Clevenger
530 N. 54TH ST.
Fayetteville, AR. 72704

William and Julia Hayes
4904 W. Persimmon
Fayetteville, AR. 72701

Peggy Jones, Ruth & Paul Jr. Guisinger
c/o David Lashley
111 North Church Ave.
Fayetteville, AR. 72701

Francis Gallagher
5402 Persimmon ST.
Fayetteville, AR. 72703

Clayton and Angela Holcomb
Persimmon
Fayetteville, AR. 72701

Don and Doris Lewis
5074 W. Persimmon ST.
Fayetteville, AR. 72701

Vera and Calvin Edens
775 W. Sycamore Apt. 31
Fayetteville, AR. 72703

Morris Nations
233 N. 54th Ave.
Fayetteville, AR. 72703

Troy and Dorothy MacDailey
175 N. 54th ST.
Fayetteville, AR. 72701

Tracy and Holly Thomas
425 N. 54th Ave.
Fayetteville, AR. 72704

Randall and Peggy Lynch
P.O. Box 124
Farmington, AR. 72730

Charles and Evelyn Alexander
5625 W. Bogan DR.
Fayetteville, AR. 72701

Merice J. Mills
11 N. 54th Ave.
Fayetteville, AR. 72704

Paul Jr. and Patricia Johnson
5516 Tipton RD.
Fayetteville, AR. 72703

Clarence and Donna Starr
353 N. 54th Ave.
Fayetteville, AR. 72704

Anne N. Pierson
75 S. 54th ST.
Fayetteville, AR. 72704

Marvin and Francis Houston
4268 Wagon Wheel RD.
Springdale, AR. 72762

Eulalia Auslam
TTEE, Eulalia Auslam
Revocable Trust
5512 W. Bogan DR.
Fayetteville, AR. 72701

Robert J. Nikovits
5569 W. Persimmon
Fayetteville, AR. 72704

Lorinda Schader
5769 W. Shalott DR.
Fayetteville, AR. 72701

Beverly A. Karstetter
5475 W. Shallot DR.
Fayetteville, AR. 72704

TIME : 11/16/1999 09:36
NAME : CITY FAY 1ST FLOOR
FAX : 5015758316
TEL : 5015758316

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

11/16 09:34
94441518
00:01:56
03
OK
STANDARD
ECM

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 501-575-8330

Fax Number: 501-575-3316

DATE: 11-16-99

FACSIMILE TRANSMISSION COVER SHEET

TO: William FAX #: 444 1518

FROM: Janel, City Planning PHONE NUMBERS ABOVE

NUMBER OF PAGES (INCLUDING COVER) 3

COPY REQUEST FORM

NUMBER OF COPIES

REQUESTED BY: _____
(INITIALS)

☐ 2-SIDED ☐ STAPLED ☐ 3-HOLE PUNCH ☐ COLOR _____

1-SIDED, PLAIN PAPER COPIES ARE THE DEFAULT

SIZE: ☐ REDUCE ☐ ENLARGE _____

8.5" X 11" IS THE DEFAULT SIZE, INDICATE ANY OTHER SIZE BELOW

OTHER INSTRUCTIONS: William please help with parcel #

and names & address of owners around the dark area.

Any questions call me at 575 8263. Thanks

My fax # is 575-8316

COMPLETED BY: _____
(INITIALS)

West Side

001-11782-000

Vera ; Calvin Edens
775 W Sycamore - apt 31
Fayetteville, Ar. 72703

001-11798-000

MORRIS Nations
233 N. 54th Ave
Fay. Ar. 72703

001-11786-000

Marvin G. ; Frances A. Houston
4268 Wagon Wheel Rd
Springdale, Ar. 72762

001-11797-000

TROY ; Dorothy Mae Dailey
175 N. 54th St
Fay. Ar. 72701

001-11785-000

Tracy L. ; Holly A. Thomas
425 N. 54th Ave
Fay. Ar. 72704

001-11805-000

Eulalia Auslam, TTEE, Eulalia Auslam
Revocable Trust
5512 W Bogan Dr
Fay, Ar. 72701

001-11784-000

Randall G. ; Peggy J. Lynch
P.O. Box 124
Farmington, Ar. 72730

001-11807-000

Charles R. ; Evelyn R. Alexander
5625 W Bogan Dr
Fay, Ar. 72701

001-11783-001

Robert J. Nikovits
5569 W. Persimmon
Fay. Ar. 72704

001-11802-001

Merice J. Mills
11 N. 54th Ave
Fay. Ar. 72704

001-11789-000

Paul E. Jr. ; Patricia Ann Johnson
5516 Tipton Rd
Fay. Ar. 72703

001-11802-000

Lorinda Schader
5769 W. Shalott Dr.
Fay. Ar. 72701

001-11790-000

Marjorie E. ; David Starr
153 N. 54th St
Fay. Ar. 72704

001-11802-003

Anne N. Pierson
25 S. 54th Street
Fay. Ar. 72704

East Side

001-11773-000

Hoyet Greenwood

452 N. 46th Ave

Fay, AR. 72704.

001-11777-000

001-11775-000 ; 001-11776-000

John E. ; Reba P. Jordan

153 S. Boyles Ave

Fay, AR. 72701

South Side

001-12090-000 ; 001-12091-000

Carl L. ; Doris Ann Yates

1400 Eastwood

Fay, Ar. 72701

001-12102-000

Mary Holland Welborn

308 E. Main

Farmington, Ar. 72730

West Side (Continued)

001-11810-000

Beverly A. Karstetter
5475 W. Shalot Dr.
Fay, AR. 72704

001-11811-000

Frances Atwater Hindloff; Damaris H.
Rainwater Trust
Co Damaris Rainwater
2727 E. Cedar Ave #3
Denver, Co. 80206

ET & AL

001-11818-003

Richard L. Swaffar
P.O. Box 235
Farmington, AR. 72730

760-02349-000

760-02400-000

Bill L. Sellers, TR. ET AL

WC-862 + 13193 Sellers Rd

Fay, AR. 72703

B-16-31

J-7
K-7

11773

1
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24 - 16 - 31

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K-7

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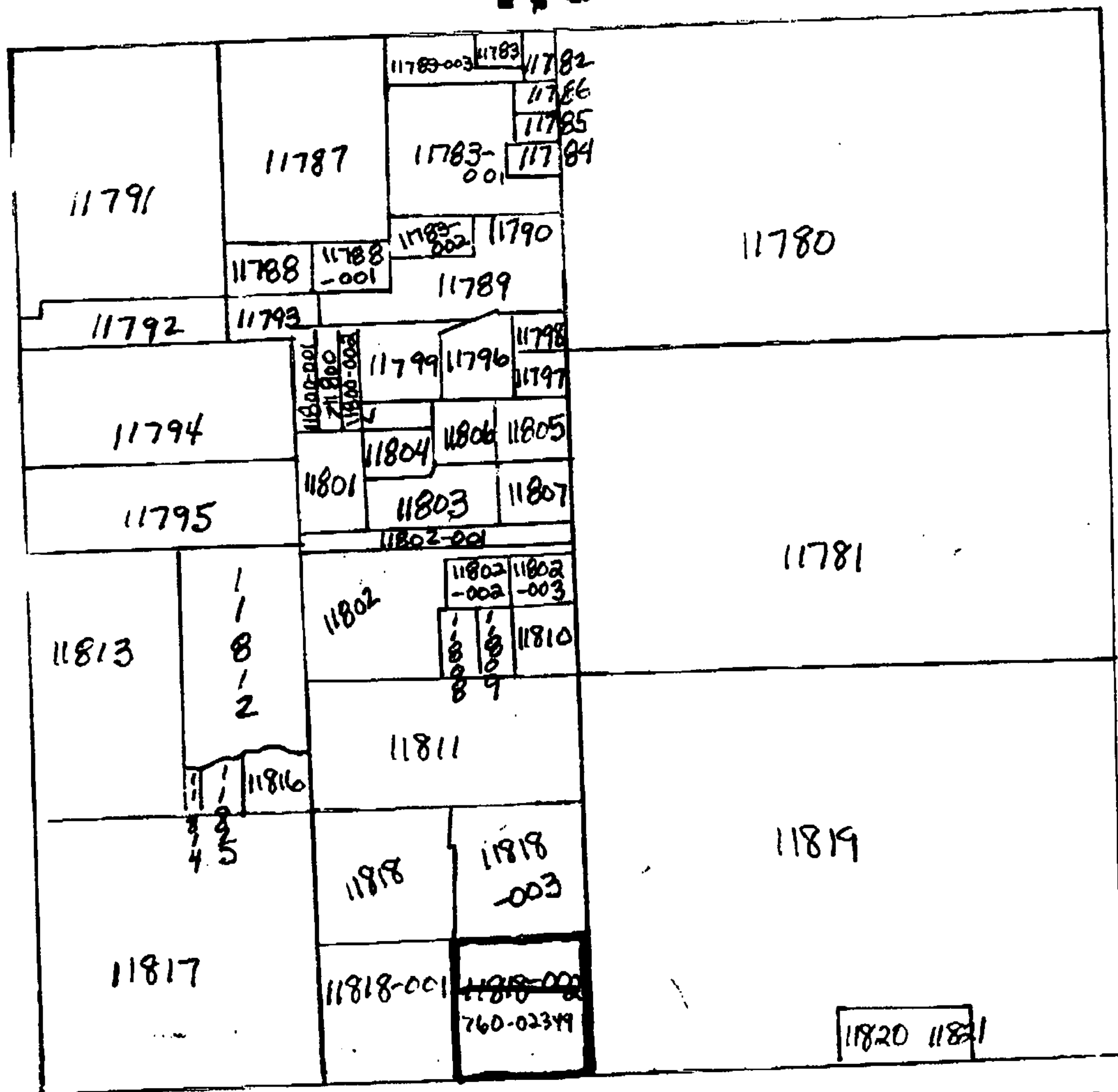
23-16-31

K-7

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Farmington						12092 01367-010
						SESE (12098) 1.74Ac. LCC?

L-8
K-7

44-31



Soil Map #25

FAX TRANSMITTAL

Washington County Assessor
280 North College Suite 250
Fayetteville AR 72701
Fax: (501)444-1518 Phone: (501)444-1500

Date: 11-16-99

To: Janet

Fax Number: 575-8316

From:

Ph. Number:

William Stephenson

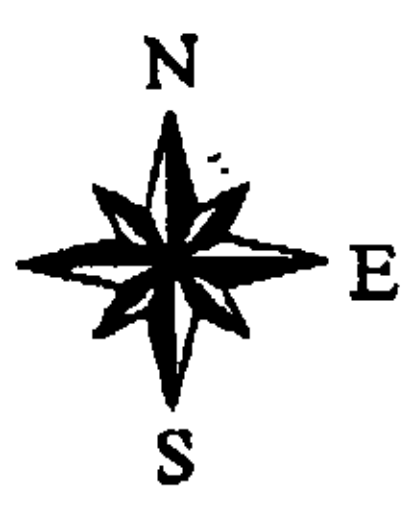
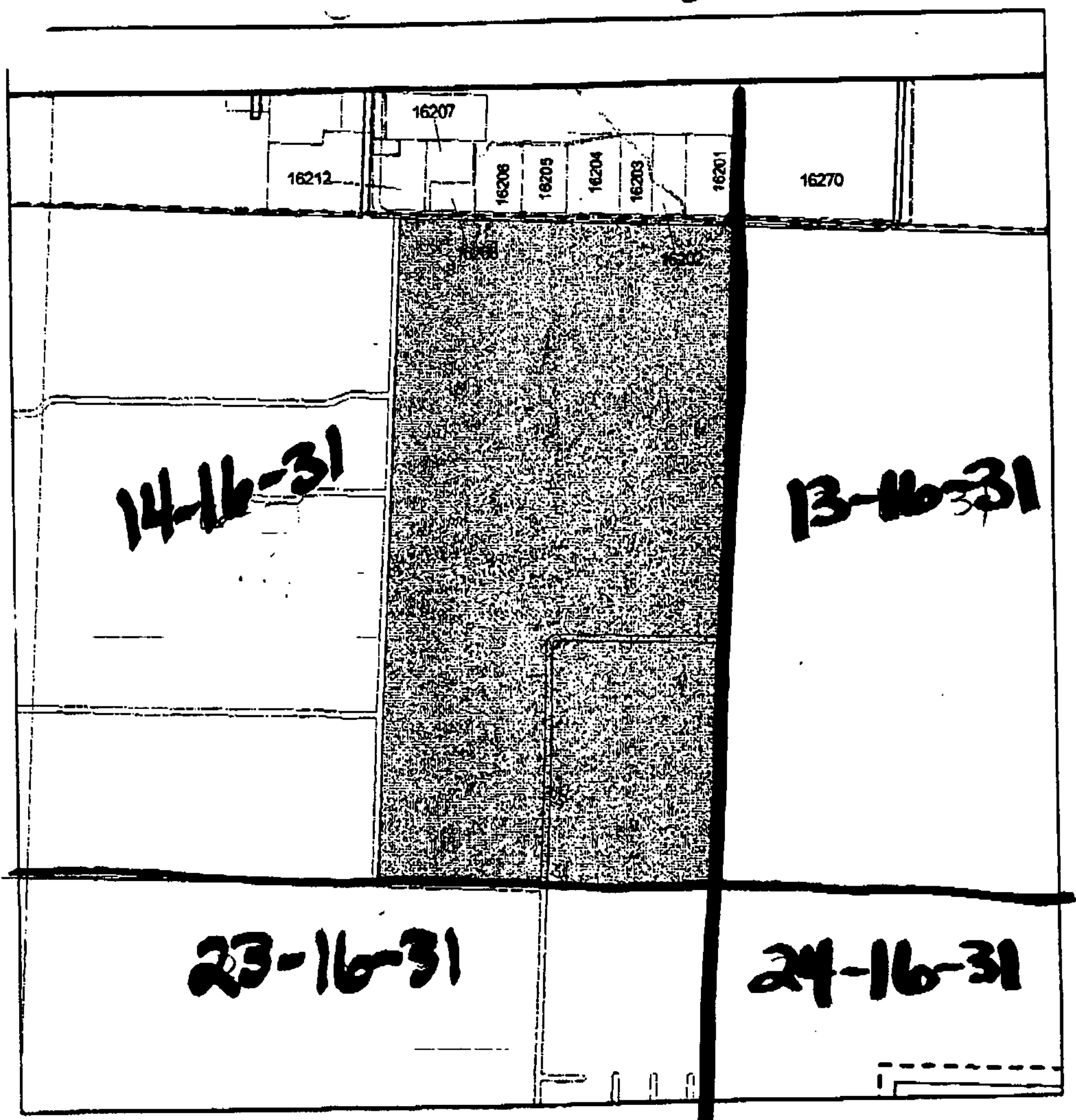
575-8316

Number of pages including this one:

10

Comments:

This is all of the
adjoining properties. Hope
you can read everything
O.K.



200 0 200 Feet

RECEIVED

VA 99-15
C. 3. Page 1

STAFF REVIEW ~~FORM~~ 0 1999

☒ Agenda Request
☐ Contract Review
☐ Grant Review

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

For the Fayetteville City Council meeting of January 4, 2000.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA 99-15.00 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary of Clary Development Corp. for property located at lots 3R & 8 of Wedington Place. The request is to vacate the 20 foot utility easement between lots 3R & 8 and a portion of a 15 foot drainage easement located within lot 8.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the vacation on the Consent Agenda with a unanimous vote of 8-0-0.

Division Head

12-17-99

Date

Department Director

12-20-99

Date

Administrative Services
Director

12/20/99

Date

Mayor

12/20/99

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

PC Meeting of 13 Dec. 99

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Utility Easement Vacation
Clary Development Corp.

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, P.E., Staff Engineer
DATE: December 9, 1999

Project: VA 99-15.00: Easement Vacation (Clary Development, pp 401) was submitted by Roger Trotter of Development Consultants, Inc. for Lots 3R & 8, Wedington Place Addition. The property is zoned C-2, Thoroughfare Commercial, and contains approximately 11.8 acres. The request is to vacate a 20' utility easement located along the common lot line for Lots 3R & 8 and a portion of a 15' drainage easement located on the west side of Lot 8.

The utility easement is vacant and will not be needed since these lots are not being developed independently. The drainage easement contains a small detention pond that will be relocated as a part of the Lot 3R & 8 Large Scale Development. Please refer to the attached drawings for exact location and dimensions.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - No service.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections.
SW Bell - No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the requested easement vacation subject to the relocation of the existing storm water detention storage.

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

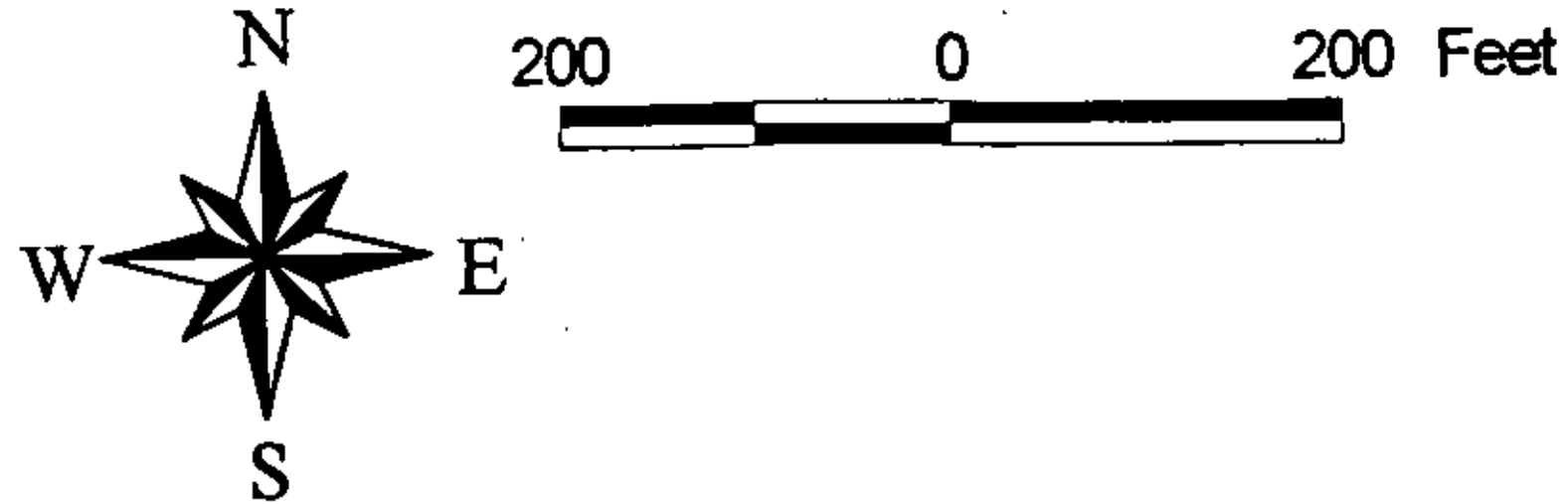
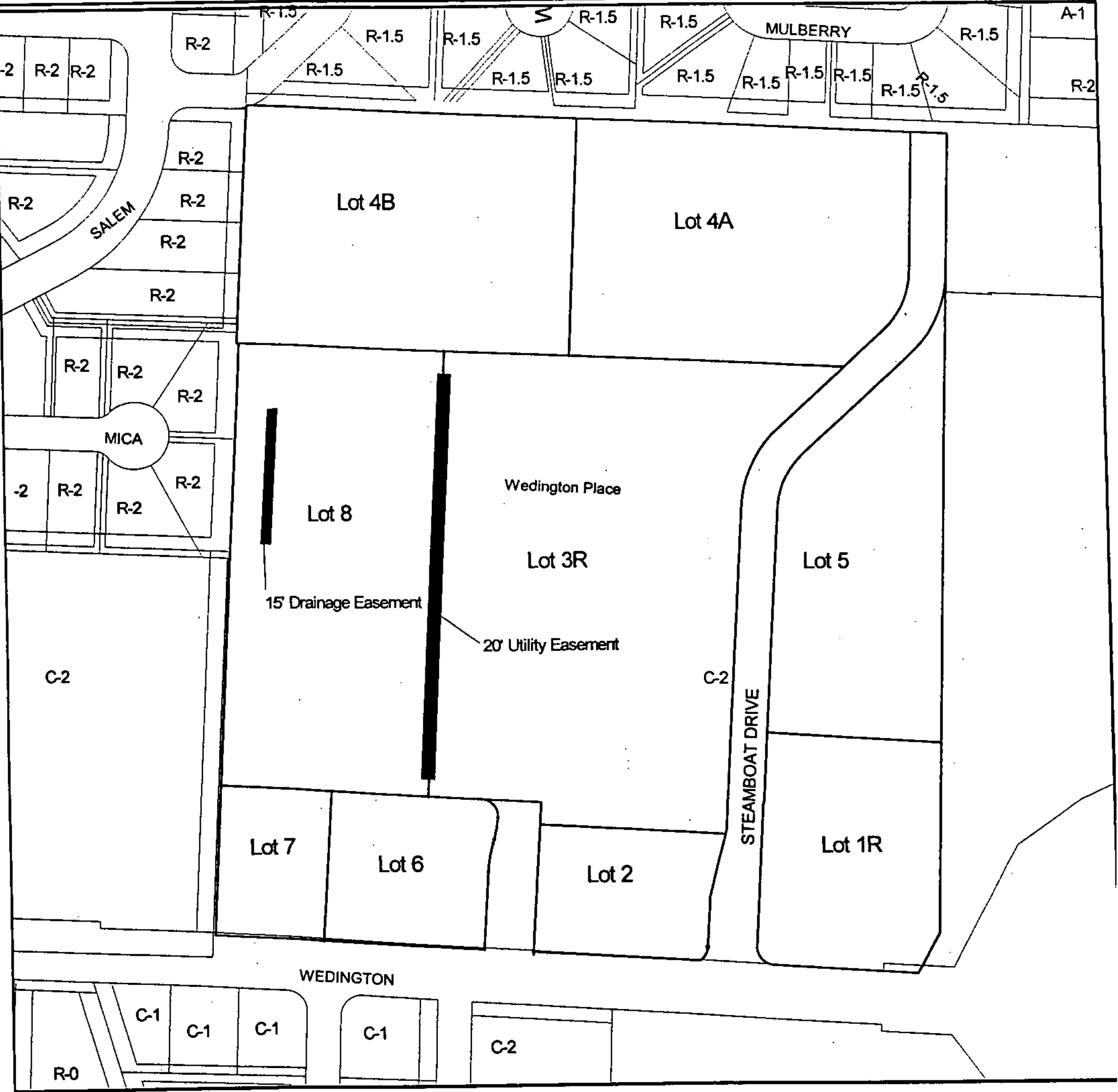
Date: 12 / 13 / 99

Comments:

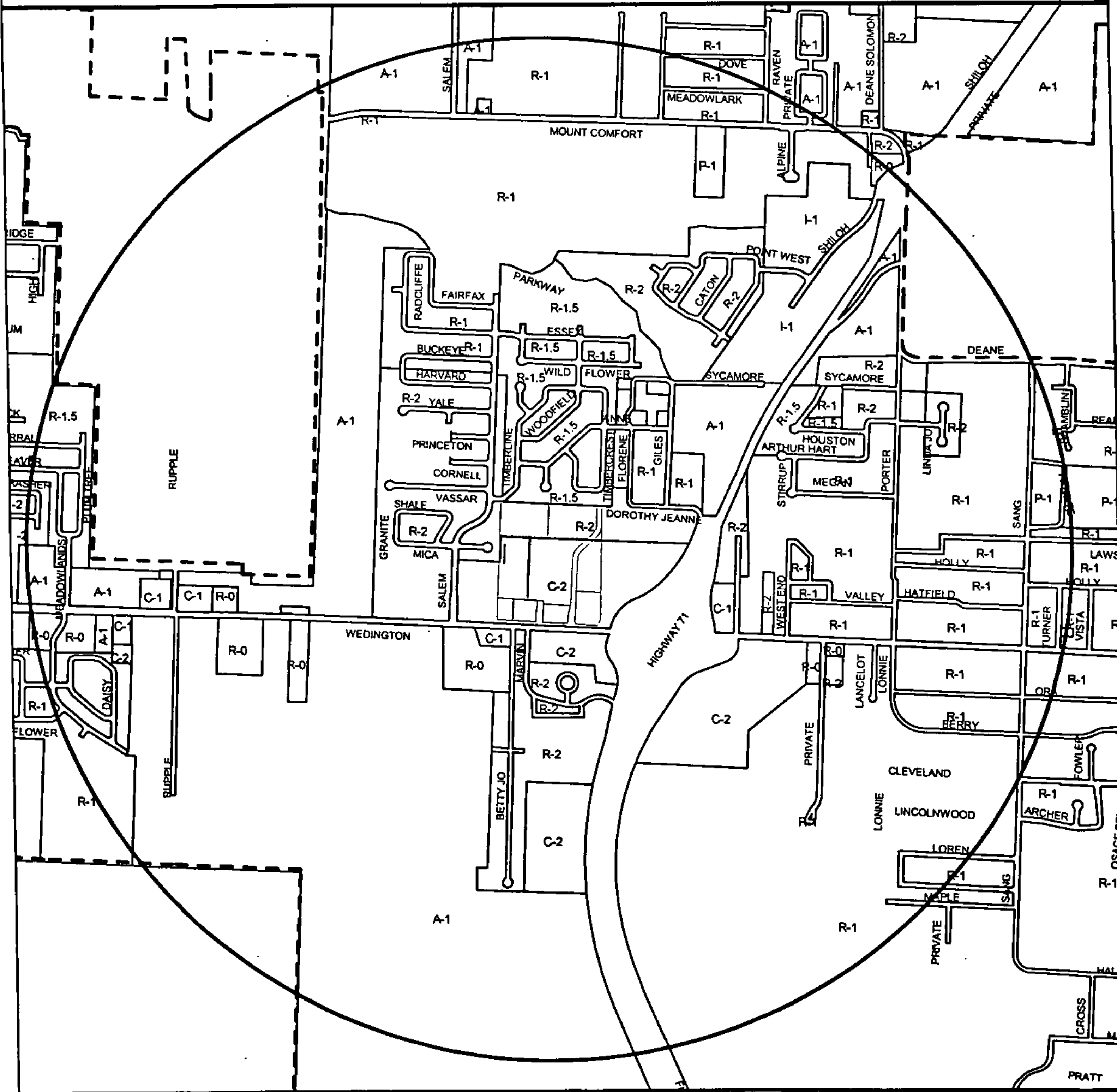
CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

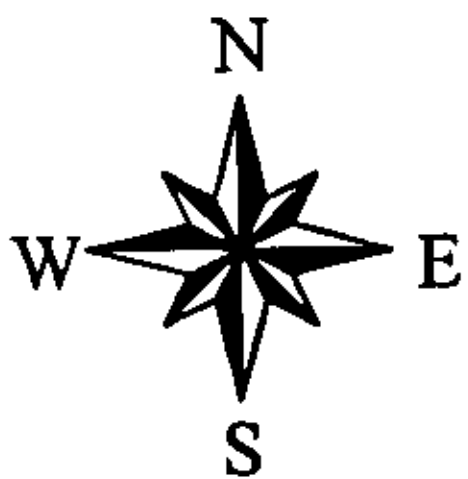
VA99-15.00 - Wedington Place Lots 3R & 8 - Close Up



VA99.00-15.00 - Wedington Place Lots 3R & 8 - One Mile Radius



1400 0 1400 Feet



Planning Commission Minutes
December 13, 1999
Page 2

Johnson: I will call to order the last meeting of the Fayetteville Planning Commission for the year. We will postpone until the next meeting the approval of the minutes. We don't have those with us this evening.

Consent Agenda

**VA99-15: VACATION
LOTS 3R & 8 WEDINGTON PLACE, pp401**

This item was submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary of Clary Development Corp. for property located at lots 3R and 8 of Wedington Place. The request is to vacate the 20 foot utility easement between lots 3R & 8 and a portion of a 15 foot drainage easement located within lot 8.

Staff Recommendation

Staff recommended approval subject to the relocation of the existing stormwater detention storage.

Commission Discussion

Johnson: Is there anyone on the Commission who would ask to remove this from the Consent Agenda? Is there anyone in the audience who would want to discuss this item? Seeing none, I would ask for the roll call on the consent agenda.

Roll Call

Upon roll call, the Consent Agenda was unanimously approved with a vote of 8-0-0.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA99-15 TO VACATE
AND ABANDON APPROXIMATELY 0.280 ACRES OF
AN EXISTING 20 FOOT UTILITY EASEMENT AND
APPROXIMATELY 0.070 ACRES OF AN EXISTING 15
FOOT DRAINAGE EASEMENT LOCATED AT LOTS
3R & 8 OF WEDINGTON PLACE, AS SUBMITTED BY
ROGER TROTTER OF DCI ON BEHALF OF STEVE
CLARY OF CLARY DEVELOPMENT CORP.

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 utility
easement and drainage easement are 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 of Fayetteville, Arkansas hereby vacates and abandons all of
its rights together with the rights of the public generally, in and to the following described utility
easement and drainage easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be
filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By _____
Fred Hanna, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Utility Easement Description

A part of the SE1/4 of the NW1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas being more particularly described as follows:

Commencing at the SW Corner of the SE1/4 of the NW1/4 of said Section 7 thence N 00°08'38" E, along the West line of SE1/4 of the NW1/4 of said Section 7 for a distance of 342.25 feet; thence S 89°51'22" E, 347.74 feet for the POINT OF BEGINNING. Thence N 00°00'34" E, 608.99 feet; thence S 89°59'26" E, 20.00 feet; thence S 00°00'34" W, 609.31 feet; thence N 89°03'57" W, 20.00 feet to the POINT OF BEGINNING. Containing 0.280 Acres (12,183 Sq. Ft.) more or less.

Drainage Easement Description

A part of the SE1/4 of the NW1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas being more particularly described as follows:

Commencing at the SW Corner of the SE1/4 of the NW1/4 of said Section 7 thence N 00°08'38" E, along the West line of SE1/4 of the NW1/4 of said Section 7 for a distance of 685.66 feet; thence S 89°51'22" E, 100.00 feet for the POINT OF BEGINNING. Thence N 00°08'38" E, 202.43 feet; thence N 81°10'05" E, 15.19 feet; thence S 00°08'38" W, 204.77 feet; thence N 89°59'26" W, 15.00 feet to the POINT OF BEGINNING. Containing 0.070 Acres (3,054 Sq. Ft.) more or less.

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council
From: Heather Woodruff, City Clerk
Date: December 22, 1999

RE: A&B's Taxi

Attached you will find an application for a Certificate of Public Convenience and Necessity from Annette J. Jacobs. Mrs. Jacobs is the daughter of Ms. Doris Johnson, the owner of C&H Taxi. Earlier this month, Ms. Johnson informed my office that due to health problems she could no longer operate her taxi business and would be transferring her business to her daughter on January 1, 2000.

The City's ordinances do not allow Certificates of Public Convenience and Necessity to be transferred. Ms. Jacobs is required to submit her own application and provide all relative information.

Ms. Johnson has agreed to maintain ownership of the business until January 5, 2000, which would allow her daughter to continue to operate in Fayetteville until the Certificate could be issued.

Mrs. Jacobs has been working closely with her mother for the past four years. Her husband has also been with the company for two years. The eight current employees have been notified of the transfer of ownership.

CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY APPLICATION

As required in § 117.32 of the Fayetteville Code of Ordinances.

APPLICANT

NAME: Annette J. Jacobs
ADDRESS: 730 Betty Jo
Fayetteville AR. 72703
PHONE: w/5211900

RECEIVED

DEC 21 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DESCRIBE YOUR EXPERIENCE IN THE TRANSPORTATION OF PASSENGERS.

Dispatched & Drove TAXIS almost 4 years
Iv done all the Billing & Pay Roll. Set up new Accts.
I care about the elderly and other Passengers.

LIST YOUR FINANCIAL STATUS, INCLUDING THE AMOUNT OF ALL UNPAID JUDGEMENTS AGAINST YOU AND THE NATURE OF THE TRANSACTION OR ACTS GIVING RISE TO SAID JUDGEMENTS.

NONE, all I owe out is mead. Bill's at WRMC.
other then that I dont owe any thing.

BUSINESS

NAME OF BUSINESS: A&B's Taxi
BUSINESS LOCATION: 519 W. Poplar
MAILING ADDRESS: PO Box 55
Fayetteville AR. 72702-0055
PHONE: 5211900

HOW MANY VEHICLES WILL BE AVAILABLE FOR YOUR OPERATION OR CONTROL ?

3

LIST THE LOCATION OF PROPOSED DEPOTS AND TERMINALS.

519 W. Poplar.

DESCRIBE THE COLOR SCHEME OR INSIGNIA TO BE USED TO DESIGNATE YOUR VEHICLES.

Multi Colors.

WHAT IS YOUR PROPOSED RATE SCHEDULE ?

2.50 Base Fare 1.00 Air mile .50 each addl. person's
.50 stops 30 a mind after 2 min.

LIST THE HOURS BETWEEN WHICH YOU PROPOSE TO PROVIDE TAXICAB SERVICE TO THE GENERAL PUBLIC, AND THE DAYS, IF ANY, ON WHICH YOU DO NOT PROPOSE TO PROVIDE TAXICAB SERVICE TO THE GENERAL PUBLIC.

24 Hours 7 days 365 Days a year

LIST THE NAMES AND ADDRESSES OF ALL OFFICERS AND STOCKHOLDERS OF THE COMPANY IF INCORPORATED.

N/A

DESCRIBE THE EXPERIENCE OF ALL OFFICERS AND STOCKHOLDERS IN THE TRANSPORTATION OF PASSENGERS.

N/A

LIST THE FINANCIAL STATUS OF THE OFFICERS AND STOCKHOLDERS OF THE COMPANY, IF INCORPORATED, INCLUDING THE AMOUNT OF ALL UNPAID JUDGEMENTS AGAINST ANY OF THEM AND THE NATURE OF THE TRANSACTIONS OF ACTS GIVING RISE TO SAID JUDGEMENTS.

N/A

TO WHOM SHOULD COMPLAINTS BE DIRECTED?

Annette J. Jacobs

APPLICANT, ON AN ATTACHED SHEET, PLEASE GIVE ANY FACTS WHICH YOU BELIEVE TEND TO PROVE THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE GRANTING OF A CERTIFICATE.

December 14, 1999

Fayetteville City Council:

My name is Annette Jean Jacobs. I would like to be approved for a Privilege License to run a taxi cab company.

Doris M. Johnson is closing down C&H Taxi at 5 a.m., January 1, 2000, so there will be a great need for a taxi service in Fayetteville.

I don't feel Cardinal and Tony C's Taxi (based in Springdale and Rogers) will be able to fill the need for taxi service for Fayetteville citizens.

I will have three taxis when I start and will add more as I can.

I have almost 4 years experience helping with the operation of the C&H Taxi with my mother, Doris M. Johnson.

I know I would be able to do the work. I have never been in any type of trouble.

Aside from some outstanding medical bills that I am making arrangements to pay, I have no debts.

Parham Insurance will maintain insurance coverage for my company.

I would appreciate your giving me the privilege of operating a professional taxi service in Fayetteville beginning on January 1, 2000.

Annette Jean Jacobs

My fares will be as follows:

Base Fare: \$2.50 + \$1.00 per air mile
.50 stop
.50 per each additional person over 12
.30 a minute waiting time over 2 minutes

My name is Annette Jean Jacobs. I would like to be approved for a privilege license to run A and B taxi company. Previous name was C and H taxi. Doris M. Johnson has decided to terminate the services of C and H taxi on January 1, 2000. C and H (A and B) will be the only local taxi company in Fayetteville, and a need for this service is essential in order to continue to provide services to the elderly, disabled, and other people that have regularly scheduled transportation needs in the city of Fayetteville, rather than relying on services from Rogers or Springdale. Parham Insurance will maintain coverage on my vehicles. C & H taxi has been an integral part of the Fayetteville community for over 20 years. It has provided transportation for the elderly and Lifestyle participants for over 10 years. Without a privilege license, these people would not have adequate transportation to medical appointments, grocery shopping, and other necessary requirements. A and B taxi service, and the people that have used C and H (A and B) for many years, would appreciate the opportunity that you could give us, by issuing a privilege license to continue our needed professional taxi service. We would begin on January 1, 2000. Our rates are as follows:

Base Fare: \$2.50 + \$1.00 per air mile
\$.50 stop
\$.50 per each additional person over 12
\$.30 a minute waiting time over the first two minutes.

Thank you for giving me the opportunity to speak today.

Annette Jean Jacobs

open 24 hours a day
others are not.

ACORD. INSURANCE BINDER		DATE (MM/DD/YY) 12/14/1999	
THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.			
PRODUCER PARHAM INSURANCE 1177 WEST SUNSET STE. 7 SPRINGDALE, AR 72764		COMPANY LIBERTY MUTUAL	
PHONE (AC No. EXT) 501-756-6917		BINDER #	
CODE		SUB CODE	
INSURED ANNETTE JACOBS P.O. BOX 55 FAYETTEVILLE, AR 72702		DESCRIPTION OF OPERATIONS/VEHICLE/PROPERTY (including Location)	
PROPERTY TYPE AND LOCATION OF PROPERTY		COVERAGE/PERILS/FORMS	
LIABILITY		AMOUNT	
SCHEDULED FORM ☐ COMPREHENSIVE FORM ☐		DEDUCTIBLE	
PREMISES/OPERATIONS		CONS %	
PRODUCTS/COMPLETED OPERATIONS			
CONTRACTUAL			
OTHER			
MEDICAL PAYMENTS			
PERSONAL INJURY			
AUTOMOBILE LIABILITY		COVERAGE/FORMS	
ANY AUTO		BODILY INJURY	
ALL OWNED AUTOS		PROPERTY DAMAGE	
☒ SCHEDULED AUTOS		BI & PD COMBINED	
HIRED AUTOS		MEDICAL PAYMENTS	
NON-OWNED AUTOS		PERSONAL INJURY	
GARAGE LIABILITY			
TO BE DETERMINED		EACH OCCURRENCE	
AUTO PHYSICAL DAMAGE DEDUCTIBLE		AGGREGATE	
COLLISION: ☐		BODILY INJURY (Per person)	
OTHER THAN COL: ☐		BODILY INJURY (Per accident)	
EXCESS LIABILITY		PROPERTY DAMAGE	
UMBRELLA FORM ☐		MEDICAL PAYMENTS	
OTHER THAN UMBRELLA FORM ☐		PERSONAL INJURY PROT	
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY		UNINSURED MOTORIST	
		ACTUAL CASH VALUE	
		STATED AMOUNT	
		OTHER	
		EACH OCCURRENCE	
		AGGREGATE	
		SELF-INSURED RETENTION	
		STATUTORY LIMITS	
		EACH ACCIDENT	
		DISEASE - POLICY LIMIT	
		DISEASE - EACH EMPLOYEE	
SPECIAL CONDITIONS/OTHER COVERAGES			
CITY OF FAYETTEVILLE CITY CLERKS OFFICE FAYETTEVILLE, AR 72701		MULTI-USE ☒ ADDITIONAL INSURED	
		LOSS PAYEE ☐	
		LOAN #	
		AUTHORIZED REPRESENTATIVE	

CITY COUNCIL
1/4/00.

Northwest Arkansas TIMES



FINAL AGENDA FAYETTEVILLE CITY COUNCIL JANUARY 4, 2000

A meeting of the Fayetteville City Council will be held on January 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

NOMINATING COMMITTEE REPORT

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the December 21, 1999 City Council meeting.
2. **MT. SEQUOYAH WATER TANK LEASE:** A resolution approving an amendment to the lease agreement with Mt. Sequoyah, Incorporated for the right to sub-lease space on or above the water tank.

B. OLD BUSINESS

1. **RZA 99-3:** An ordinance approving an amendment to Ordinance 4187 which annexed property owned by John DeWeese and Mike Schmidt in the City of Fayetteville. The amendment is to correct an error in the legal description.
2. **VA 99-13:** An ordinance approving vacation request VA 99-13.00 submitted by Mike Roetzel on behalf of Buddy Peoples for property located at 28th Court. The request is to vacate the undeveloped street right-of-way located west of Club Oak Drive within Edge Hill Subdivision. This item was left on the second reading at the December 21, 1999 meeting.

C. NEW BUSINESS

1. **RZ 99-33:** An ordinance approving rezoning request RZ 99-33.00 submitted by Charles Venable on behalf of the City of Fayetteville for property located west of School Street, east of West Street, south of Mountain Street, and north of Rock Street. The property is zoned R-2, Medium Density Residential, and R-O, Residential Office, and contains approximately 2.42 acres. The request is to rezone the property to C-3, Central Commercial.
2. **RZA 99-4:** An ordinance approving annexation request RZA 99-4.00 submitted by Don Bunn on behalf of the City of Fayetteville for property located south of Persimmon, bound on the west by 54th Street and bound on the east by County road 648. The request is to annex the approximately 320 acres.
3. **VA 99-15:** An ordinance approving vacation request VA 99-15.00 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Steve Clary Development Corp. for property located at Lots 3 R and 8 of Wedington Place. The request is to vacate the 20-foot utility easement between Lots 3R and 8 and a portion of a 15-foot drainage easement located within Lot 8.
4. **A&B's TAXI:** A resolution approving a Certificate of Public Convenience and Necessity for A&B's Taxi.

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your alderman to have it presented at the next City Council Agenda Session. For further assistance, please contact Heather Woodruff, City Clerk, at 575-8323.