

CITY OF FAYETTEVILLE, ARKANSAS

# Right-of-Way, Easement or Alley VACATION

<b>FOR STAFF USE ONLY</b>	<b>FEE: \$200.00</b>
Date Application Submitted:	<b>Sign Fee: \$5.00</b>
Date Accepted as Complete:	S-T-R:
Project Number:	PP#:
Public Hearing Date:	Zone:

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):***

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

Name: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (     ) \_\_\_\_\_

Phone: (     ) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

Site Address / Location: \_\_\_\_\_  
\_\_\_\_\_

Legal description of area to be vacated (attach separate sheet if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Current Zoning District: \_\_\_\_\_

Assessors Parcel Number(s) for subject property: \_\_\_\_\_

***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 applying for, or might set conditions on approval.

Name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

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): \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: (     ) \_\_\_\_\_

Name (printed): \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: (     ) \_\_\_\_\_

---

**Vacation Checklist:**

*Attach the following items to this application:*

- (1) Payment in full of applicable fees for processing the application:
  - \$200.00 application fee
  - \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website ([www.co.washington.ar.us](http://www.co.washington.ar.us)). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

### **Utility Representatives for a Vacation Request \***

---

<b>Name</b>	<b>Company</b>	<b>Telephone</b>	<b>Email</b>
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	365-2402	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Black Hills Corp.	435-0229	Scott.Stokes@blackhillscorp.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

#### **City Divisions:**

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

---

**\*Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

**SAMPLE PETITION\***

**PETITION TO VACATE A(N) (*alley, easement, right-of-way*) LOCATED IN (*lot, block, subdivision*), CITY OF FAYETTEVILLE, ARKANSAS**

TO:     The Fayetteville City Planning Commission and  
          The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the (*alley, easement, right-of-way*) hereinafter sought to be abandoned and vacated, lying in (*lot, block, subdivision*), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (*alley, easement, right-of-way*) which is described as follows:

**(Legal Description of area to be vacated)**

That the abutting real estate affected by said abandonment of the alley are (*lot, block, subdivision of each adjoining lot to the area requested to be vacated*) City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described (*alley, easement, right-of-way*).

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

**\* Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**

**UTILITY APPROVAL FORM**  
**FOR RIGHT- OF- WAY, ALLEY, AND**  
**UTILITY EASEMENT VACATIONS**

DATE: \_\_\_\_\_

UTILITY COMPANY: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_ APPLICANT PHONE: \_\_\_\_\_

REQUESTED VACATION (*applicant must check all that apply*):

- Utility Easement
- Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- Alley
- Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

**General location / Address** \_\_\_\_\_

- 
- (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
- No objections to the vacation(s) described above, provided following described easements are retained.  
(State the location, dimensions, and purpose below.)

- 
- 
- No objections provided the following conditions are met:

---

Signature of Utility Company Representative

---

Title

**ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM**  
**FOR RIGHT- OF- WAY, ALLEY, AND**  
**EASEMENT VACATION REQUESTS**

Date: \_\_\_\_\_

Address / location of vacation: \_\_\_\_\_

Adjacent property address: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

**REQUESTED VACATION:**

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

*(Include legal description and graphic representation of what is being vacated)*

**ADJACENT PROPERTY OWNERS COMMENTS:**

- I have been notified of the requested vacation and decline to comment.
- I *do not object* to the vacation described above.
- I *do object* to the requested vacation because:

---

---

---

---

---

---

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Name of Adjacent Property Owner (*printed*)

\_\_\_\_\_  
Signature of Adjacent Property Owner

\_\_\_\_\_  
Applicant Name

## **NOTIFICATION REQUIREMENTS**

### **Written Notification Process:**

- (1) The applicant shall mail a written notice of the hearing by first-class mail to the address of each adjacent landowner as such address is shown in the records of the Washington County Assessor's Office. Adjacent landowners include those across street rights-of-way, excluding interstates.
- (2) By the revision submittal prior to the public hearing, the applicant shall provide the following to the Planning Division (**contact staff planner for submittal deadline**):
  - a. alphabetical list of the landowners receiving notification (County Assessor's Office)
  - b. map showing the landowners' relationship to the site (County Assessor's Office)
  - c. copy of the notice sent to the landowners (example attached)
  - d. certificate of mailing (**example attached**)

### **Sign Posting Process:**

- (1) Signs shall be made available to the applicant by the Planning Division. A \$5 fee per sign shall be remitted by the applicant (**contact staff planner for date to pick up sign**).
  - a. The applicant shall post notice on the land for which the use is requested in a visibly prominent location no more than ten (10) feet from the street, and shall not impede the vision of drivers or pedestrians.
  - b. The staff planner may require an alternate location where the property is not adjacent to a street.
  - c. Additional signs may be required by the staff planner.
- (2) By the revision submittal prior to the hearing, the applicant shall post the sign and submit a certificate of sign posting to the Planning Division. The sign(s) shall be photographed by the applicant and attached to the certificate (**example attached**).
- (3) The Planning Division will be responsible for retrieval of signs after the hearing; if a hearing is postponed, the applicant will be notified when a new sign has been created. The applicant shall then be responsible for posting the new date of the hearing in accordance with the criteria herein.

**CERTIFICATE OF MAILING**

*I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:*

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

\_\_\_\_\_  
*(name of person completing the mailing)*

\_\_\_\_\_  
*(signature of person completing the mailing)*

*City File No./Name:* \_\_\_\_\_

**THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET**

**WRITTEN NOTIFICATION FORM**

**Project Description:**

The applicant Name proposes a Type of Development at Project Address.

**Building/land Use:** \_\_\_\_\_

**Zoning:** \_\_\_\_\_

**Size of Property:** \_\_\_\_\_

**Density/Intensity:** \_\_\_\_\_

Public Hearings:

Planning Commission; 5:30 PM; Month/Date/Year; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

**Property Owner:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Developer:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

**THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET**

**CERTIFICATE OF SIGN POSTING**



I, \_\_\_\_\_ *(print the name of the applicant/representative/person posting sign)*, attest that the above sign was posted on \_\_\_\_\_ *(month/day/year)* adjacent to \_\_\_\_\_ *(name of street)*.

\_\_\_\_\_  
*(signature of person completing the sign posting)*

City File No./Name: \_\_\_\_\_