CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

<table>
<thead>
<tr>
<th>Item</th>
<th>Information</th>
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<tbody>
<tr>
<td>Date Application Submitted:</td>
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<td>Date Accepted as Complete:</td>
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<td>Project Number:</td>
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<td>Public Hearing Date:</td>
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<td>FEE:</td>
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<td>Sign Fee:</td>
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<td>Zone:</td>
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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: ____________________________
Address: __________________________
Phone: ( ______ )
Email: ____________________________
Fax: ( ______ )

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

Name: ____________________________
Address: __________________________
Phone: ( ______ )
Email: ____________________________
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 or USB Flashdrive 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) Documentation stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated.

(8) A copy of the county parcel map from the Washington County Assessor’s office website (www.co.washington.ar.us) or from the City’s Address Point File (website instructions). The
subject property and all parcels within 200 feet should be identified on this parcel map. The owner’s name, official mailing address, and the parcel number for every adjacent property and residents with separate addresses 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** *

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
<th>Telephone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Hamilton</td>
<td>AT&amp;T</td>
<td>442-3107</td>
<td><a href="mailto:jh5430@att.com">jh5430@att.com</a></td>
</tr>
<tr>
<td>Jason Combs</td>
<td>Cox Communications</td>
<td>263-7057</td>
<td><a href="mailto:jason.combs@cox.com">jason.combs@cox.com</a></td>
</tr>
<tr>
<td>John Le</td>
<td>AEP/SWENCO</td>
<td>973-2426</td>
<td><a href="mailto:tle@aep.com">tle@aep.com</a></td>
</tr>
<tr>
<td>Scott Stokes</td>
<td>Black Hills Corp.</td>
<td>435-0229</td>
<td><a href="mailto:Scott.Stokes@blackhillscorp.com">Scott.Stokes@blackhillscorp.com</a></td>
</tr>
<tr>
<td>Wes Mahaffey</td>
<td>Ozarks Electric</td>
<td>684-4949</td>
<td><a href="mailto:wmahaffey@ozarksecc.com">wmahaffey@ozarksecc.com</a></td>
</tr>
<tr>
<td>Mike Phipps</td>
<td></td>
<td>684-4696</td>
<td><a href="mailto:mphilps@ozarksecc.com">mphilps@ozarksecc.com</a></td>
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</table>

**City Divisions:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Division</th>
<th>Telephone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Rogers</td>
<td>Water and Sewer</td>
<td>575-8392</td>
<td><a href="mailto:mrogers@fayetteville-ar.gov">mrogers@fayetteville-ar.gov</a></td>
</tr>
<tr>
<td>Drew Cook</td>
<td>Solid Waste</td>
<td>575-8397</td>
<td><a href="mailto:acook@fayetteville-ar.gov">acook@fayetteville-ar.gov</a></td>
</tr>
<tr>
<td>Terry Gulley</td>
<td>Transportation</td>
<td>444-3491</td>
<td><a href="mailto:tgulley@fayetteville-ar.gov">tgulley@fayetteville-ar.gov</a></td>
</tr>
</tbody>
</table>

*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 action by first-class mail to the address of all landowners and residents with separate addresses within 200 feet of the boundary line of the property on which the use is proposed.

2. CUP applications for special uses must notify all property owners in writing within 500 feet of the perimeter of the property. CUP special uses include: Dance halls; Facilities emitting odors and facilities handling explosives; wireless communication facilities; carnival, circus, amusement park or similar temporary open-air enterprise; manufactured and mobile homes; outdoor music establishments; sexually oriented business.

3. The applicant shall provide the following to the Planning Division (contact staff planner or Development Services coordinator for submittal deadline):
   a. alphabetical list of the landowners and residents with separate addresses receiving notification (City's Address Point File)
   b. map showing the landowners' relationship to the site (City's Address Point File)
   c. copy of the notice sent to the landowners and residents (example attached)
   d. certificate of mailing (example attached)
   e. Click here to learn how to create the list of those being notified.

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 or Dev. Srvcs. coordinator for date to pick up sign).
   a. The applicant shall post notice on the land for which the use is requested in a visible, 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) 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: ________________
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.
CERTIFICATE OF SIGN POSTING

(attach photo here)
(sign lettering must be legible in photo)

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: ________________________________