

CITY OF FAYETTEVILLE, ARKANSAS

Access, Drainage, or General Utility Easement VACATION

Please fill out the fields in Energov completely, supplying all necessary information and documentation to support your request. ***Your application will not be placed on the City Council agenda until this information is furnished.*** Prior to submittal please clear all Viewports that were exported from the original CADD file as a part of the PDF. These may prevent staff consideration and delay review or approval of your project.

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
Due upon invoicing after plan submittal.
\$200.00 application 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) A copy of the legal description in MS Word and PDF versions.
- (5) Signed PDF of the subject property owner consent form.
- (6) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (7) A letter addressed to the City Council describing the scope, nature, and intent of the request.
- (8) Petition to vacate easement (sample petition is attached).
- (9) Comments from all utility companies concerning the 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.
- (10) Documentation stating names of all owners of property adjacent to the easement to be vacated. Written consent is required from all adjacent property owners and is required to be submitted with the application. (example form is attached).

Utility Representatives for a Utility Easement Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-3107	jh5430@att.com
Jason Combs	Cox Communications	263-7057	jason.combs@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Black Hills Corp.	435-0229	Scott.Stokes@blackhillscorp.com

Wes Mahaffey	Ozarks Electric	684-4949	wmahaffey@ozarksecc.com
Or			
Mike Phipps		684-4696	mhipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Drew Cook	Solid Waste	575-8397	acook@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a Drainage Easement Vacation is being requested.**

Consent of Owner Form

PROPERTY OWNER(S) / AUTHORIZED AGENT: By signing below, 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 authorized this application and consent to its filing.

PLEASE NOTE:

- Property Owners: Attach additional info/documentation if necessary.
- Authorized Agents: If signing on behalf of a Property Owner, a letter from each Property Owner must be provided indicating that the agent is authorized to act on their behalf.

Associated Project (required field)

Property Owner 1:

Name of person signing [printed] Entity/Company signator legally owns or represents

Contact Email Contact Phone

Mailing Address

Property Owner Signature **Date**

Property Owner 2: (if needed)

Name of person signing [printed] Entity/Company signator legally owns or represents

Contact Email Contact Phone

Mailing Address

Property Owner Signature **Date**

Property Owner 3: (if needed)

Name of person signing [printed] Entity/Company signator legally owns or represents

Contact Email Contact Phone

Mailing Address

Property Owner Signature **Date**

Property Owner 4: (if needed)

Name of person signing [printed] Entity/Company signator legally owns or represents

Contact Email Contact Phone

Mailing Address

Property Owner Signature **Date**

SAMPLE PETITION*

PETITION TO VACATE A general utility/water & sewer **EASEMENT 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 easement hereinafter sought to be abandoned and vacated, lying in *(lot, block, subdivision)*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement 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 easement.

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.)

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- No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM
FOR ACCESS 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