

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way: Street or Alley 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 Planning Commission 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 initial submittal:
 \$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 Right of Way adjacent/within the property to be vacated.
- (4) A copy of the legal description in MS Word and PDF copies of the signed owner authorization and all other items submitted with this project.
- (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 or alley 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).
- (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.
- (9) Petition to vacate street or alley right-of-way (sample petition is attached).
- (11) Comments from all utility companies concerning the street or alley right-of-way 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. This portion is completed after initial submittal of application. City staff will contact applicant with details.

Utility & City Representatives for a Right of Way Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-3107	jh5430@att.com
John Hill	AT&T	442-1963	Jh7313@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 Or Mike Phipps	Ozarks Electric	684-4949 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Aaron Watkins	Water and Sewer	575-8203	jwatkins@fayetteville-ar.gov
Drew Cook	Solid Waste	575-8397	acook@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

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:

x _____
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)

x _____
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)

x _____
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)

x _____
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(N) (*alley/street 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/street 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/street 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/street 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 ALLEY OR STREET RIGHT OF WAY 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/street 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 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 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

PUBLIC HEARING NOTIFICATION REQUIREMENTS

This is required later after initial submittal online. A member of Development Services staff will contact you directly before this is required.

Written Notification Process: This process is completed after the application is initially submitted online. City staff will contact the applicant with details.

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 proposed right-of-way to be vacated.
2. 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. Svcs. 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: _____

THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET

WRITTEN NOTIFICATION FORM

Project Description:

The applicant Name proposes a Right of Way vacation at Project Address.

Building/land Use: _____

Zoning: _____

Size of Property: _____

Density/Intensity: _____

Public Hearings:

As of issuance of this letter you can attend City meetings in person or online by going to the following City webpage and selecting the meeting(s) listed below. Although the meeting(s) and date(s) below are accurate, participation instructions are forthcoming or can be found the week of a meeting at:

<https://www.fayetteville-ar.gov/1503/Meeting-Agendas-and-Video>

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: _____