



## CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.  
479-361-2700  
planning@tontitownar.gov

Meeting: **May 12, 2020**  
Project: **Venezia Piazza Vacation**  
Planner: Renee Biby

### AGENDA ITEM

**7G**

### VACATION

Venezia Piazza Phase II  
Parcel #: **830-38673-000**

**SUMMARY:** Request to Vacate a portion of a Drainage, Utility and Access Easement at Venezia Piazza Phase II.

**CURRENT ZONING:** C-2 General Commercial

**PROPOSED USE:** Commercial

**CITY WARD:** 1-Amber Ibarra, Gene McCartney

**INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):**

**Water:** Tontitown

**Sewer:** Tontitown

**Road Access:** E Henri de Tonti Blvd, S. Maestri

**Electric:** Ozarks Electric

**Cable:** Cox Communications

**Phone:** ATT

**Natural Gas:** Black Hills Energy

**School District:** Springdale

### PROJECT SYNOPSIS:

The Venezia Piazza Phase II Vacation request is to vacate a portion of unused Utility and Drainage Easement and to realign an access easement to better align with the stubout to the East on the La Hacienda property.

### § 152.028 VACATION OF STREET RIGHT-OF-WAY, EASEMENTS OR ALLEYS.

(A) *Application for easement/alley vacation.* The application shall be submitted to city staff pursuant to the filing schedule approved by the Planning Commission and shall consist of the following:

(1) *Application.* Completed and signed application form as provided by the appropriate city official or city staff.

(2) *Fee.* Pay the filing fee specified in the application forms.

(3) *Petition.* A petition to vacate street right-of-way, alley or easement.

(4) *Consent for property owners.* Written consent of all property owners abutting the street right-of-way, alley or easement to be vacated.

(5) *Ownership.* Proof of ownership of all property abutting the street right-of-way, alley or easement to be vacated.

(6) *Consent from utilities.* Written consent from all utilities affected by street right-of-way, alley or easement to be vacated.

(B) *Review and approval.* The appropriate city staff will review the request and recommend approval or denial of the request for a vacation. The City Council shall make the final determination on approval of vacations by adopting an ordinance stating that the legal description as provided by the applicant, and verified by the city, is vacated.  
(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.300.06, passed 9-3-13)

**STAFF ANALYSIS:** *The Applicant has submitted all of the completed and signed forms required by the Code. The adjoining Neighbor to the East (La Hacienda) has consented to the Vacation and realignment of the Access Easement. All utilities have consented to the Vacation of the Utility Easement. The Grading and Drainage Plan has been sent to the City Engineer to review prior to Construction Plan approval for the Large Scale Development.*

**TECHNICAL INFORMATION:**

**Utilities:**

**Water:** Tontitown Water consented.

**Electric:** Ozarks Electric: OECC consented.

**Sewer:** Tontitown Sewer consented.

**Cable:** Cox Communications consented.

**Phone:** AT&T consented.

**Natural Gas:** Black Hills Energy consented.

**Streets:**

This property accesses E. Henri de Tonti Blvd. and S. Maestri. The realigned access easement will help with cross connectivity between La Hacienda (neighboring property to the east) and S. Maestri to the West.

**Fire:**

No concerns were submitted for the requested vacation.

**Police:**

The Police Chief has no concerns for the requested vacation.

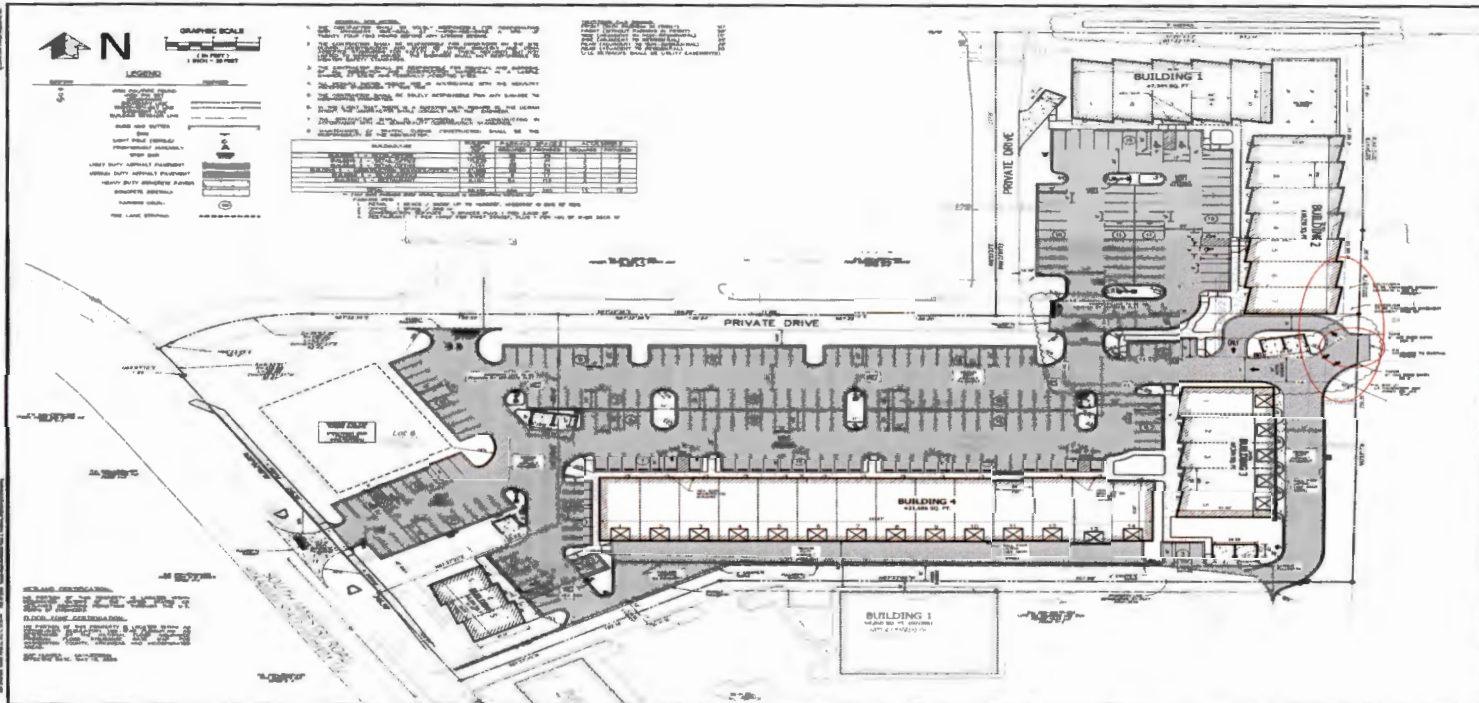
**STAFF RECOMMENDATION:** Staff finds the requested Vacation has met all of the requirements within our City Code and recommends approval with the following conditions. This Vacation will be required to be approved by the City Council if the Planning Board chooses to recommend its approval.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. A legal description of the new Access Easement must be written and approved.
2. The Black Hills Energy 2" Distribution gas pipeline located in the northwest corner of said tract is retained to include said pipeline.
3. A separate Easement Plat shall be signed and filed with the Circuit Clerk's Land Records Office.







SCALE: 1/8" = 1'-0"  
 DATE: 08/14/2014  
 DRAWN BY: J. H. HARRIS  
 CHECKED BY: J. H. HARRIS  
 PROJECT: GREEN PLAZA COMMERCIAL - PHASE 2  
 SHEET: 02.0

- NOTES:**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  2. ALL FINISHES ARE TO BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
  4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
  6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PROCESS.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE ENVIRONMENT.
  8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
  10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PROCESS.

**GREEN PLAZA COMMERCIAL - PHASE 2**  
 TONTITOWN, ARKANSAS

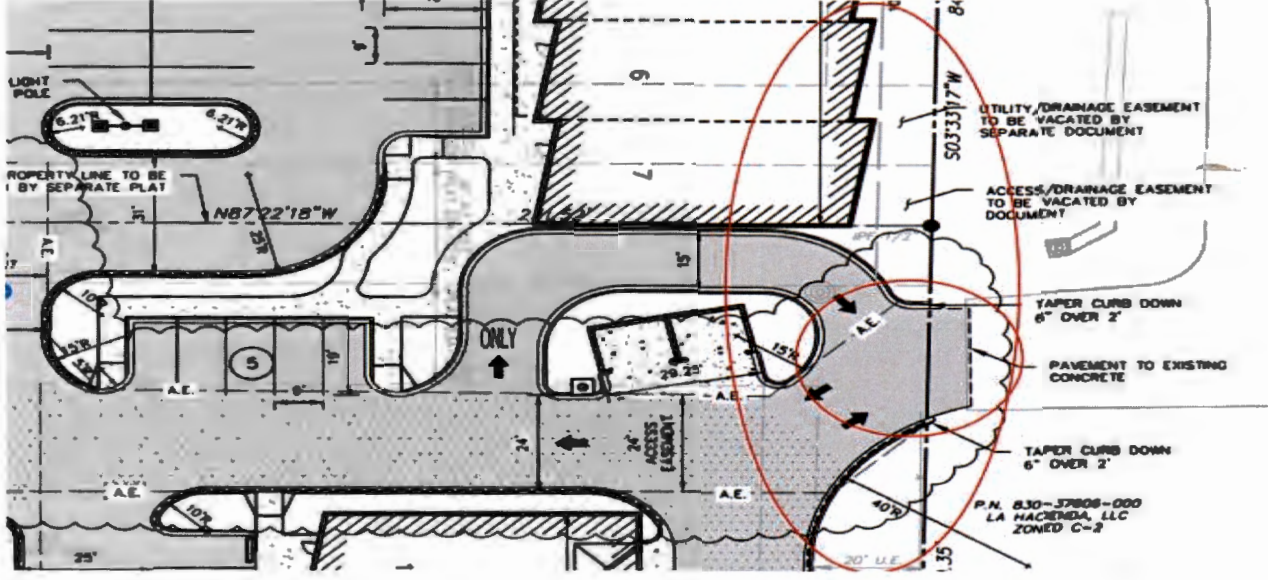
**CDE**  
 CIVIL DESIGN ENGINEERS, INC.  
 Springfield, Missouri

**02.0**

**SITE PLAN**

DATE: 08/14/2014  
 DRAWN BY: J. H. HARRIS  
 CHECKED BY: J. H. HARRIS

SCALE: AS SHOWN  
 CIP FINISHES: 110  
 SHEET: 02.0



**A PIAZZA COMMERCIAL - PHASE 2**

**TONTITOWN, ARKANSAS**

**SITE PLAN**