



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

August 25, 2020

The Hon. Becky Lewallen
Washington County Clerk
280 N. College Ave
Fayetteville, AR 72701

Re: City of Fayetteville Annexation Ordinance 6284

Dear Ms. Lewallen,

This letter acknowledges receipt and filing of the following notice of municipal boundary change by the Office of the Arkansas Secretary of State:

Filing Type: Annexation pursuant to A.C.A § 14-40-609 (petition of all landowners)

Effective Date: 3/21/2020

County: Washington

City: Fayetteville

City Ordinance: 6284

Dated: 2/18/2020

County Court Order: 2019-43

Date Filed: 2/2/2020

A file marked copy of the ordinance, court order and exhibits submitted to our Office are enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal change by the Arkansas Secretary of State.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our Office at 501-683-3717.

Sincerely,

A handwritten signature in black ink, appearing to read "Shantell McGraw".

Shantell McGraw
Elections Division

cc: Arkansas Geographic Information Systems Office (w/encl)
Arkansas Department of Transportation Mapping Department (w/encl)
Department of Finance and Administration (w/encl)
Arkansas Public Service Commission (w/encl)
Arkansas Economic Development Institute (w/encl)
The Hon. Lioneld Jordan, Mayor of Fayetteville (w/encl)
The Hon. Kara Paxton, Fayetteville City Clerk/Treasurer (w/encl)



Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: Washington City/Town: Fayetteville

City Ordinance/Resolution No: 6284 Date approved: February 18, 2020

County Court Case No: 2019-43 Date Order Filed: January 2, 2020

Type: Annexation by Petition of all Landowners A.C.A. 14-40-609

Date Change Effective: March 21, 2020 Set by: Municipal Ordinance Emergency Clause Court Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other *(attach explanation)*

Please indicate which ward(s) the territory will be assigned to: Ward 4
(See A.C.A § 14-40-203)

Initiating party:

All Landowners Majority Landowners Municipal Governing Body State Other _____

Supporting Documentation attached (check all that apply):

- File marked copy of City Ordinance/Resolution *(required)*
- File marked copy of County Court Order or certified annexation election results *(required except for A.C.A. §14-40-501)*
- Copy of Arkansas GIS approved printed map and certification letter *(required)*
- Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- File marked copy of Petition Part *(if applicable)*
- File marked copy of Complaint and final Circuit Court Order *(Court Challenge only)*

Municipal Contact:

Name: Kara Paxton Title: City Clerk Treasurer

Street Address: 113 West Mountain St.

City: Fayetteville St: AR Zip code: 72701

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: *Jennelle Sharpshaver* Title: *Chief Deputy Clerk*

Date: *7/31/2020*

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: *[Signature]*

FILED

AUG 25 2020

Arkansas Secretary of State

Rev. 2/2019

ARCHIVED



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6284



Doc ID: 019079800005 Type: REL
Kind: ORDINANCE
Recorded: 02/28/2020 at 01:56:37 PM
Fee Amt: \$35.00 Page 1 of 5
Washington County, AR
Kyle Sylvester Circuit Clerk

File 2020-00006443

DECKY LEWALL
CLERK
CO. & PROBATE CLERK
WASHINGTON CO. AR
2020 JUL 21 PM 2:52
FILED

File Number: 2020-0130

ANX 20-6981 1210 N 54TH STREET FAYETTEVILLE HOUSING PARTNERS:

AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF THE FAYETTEVILLE HOUSING PARTNERS AND ANNEX 34.85 ACRES OF LAND LOCATED AT 1210 NORTH 54TH STREET

WHEREAS, Fayetteville Housing Partners has properly secured the Washington County Judge's authorization to annex their 34.85 acres on the north side of Wedington Drive located at 1210 North 54th Street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the annexation petition of Fayetteville Housing Partners and confirms the annexation to the City of Fayetteville, Arkansas of about 34.85 acres as described in Exhibit B and the map shown on Exhibit A both attached to the Planning Department's agenda memo.

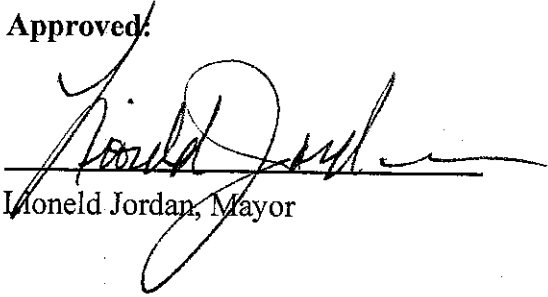
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby zones the newly annexed property R-A, Residential Agricultural.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map and zoning map of the City of Fayetteville to recognize this annexation.

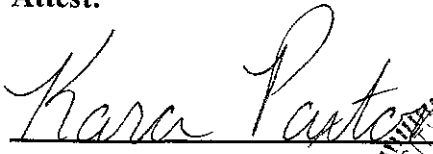
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns this 34.85 acres to Ward Four of the City of Fayetteville.


PASSED and APPROVED on 2/18/2020

Approved:


Lionel Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer



ANX 20-6981
**Order of
De-annexation**

2020 JAN -2 AM 8:52

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

**IN THE MATTER OF ANNEXING TO THE
CITY OF FAYETTEVILLE, ARKANSAS,
CERTAIN TERRITORY CONTIGUOUS
TO SAID CITY OF FAYETTEVILLE, ARKANSAS**

CC NO. 2019-43

ORDER CONCERNING ANNEXATION

On this regular day of a regular term of the County Court of Washington County, Arkansas, there is presented to the Court by the New Heights Church, the petition of the real estate owner desiring the annexation of territory to the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.
4. The Court finds that the territory consists of lands that:
 - a. whether platted or not, are held to be sold as suburban property;
 - b. represent the actual growth of the municipality beyond its legal boundary; and
 - c. are needed for proper municipal purposes such as the extension of need police regulations.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the City of Fayetteville, Arkansas.

DocuSigned by:
Joseph Wood
34F10482757444F...

JOSEPH K. WOOD, COUNTY JUDGE

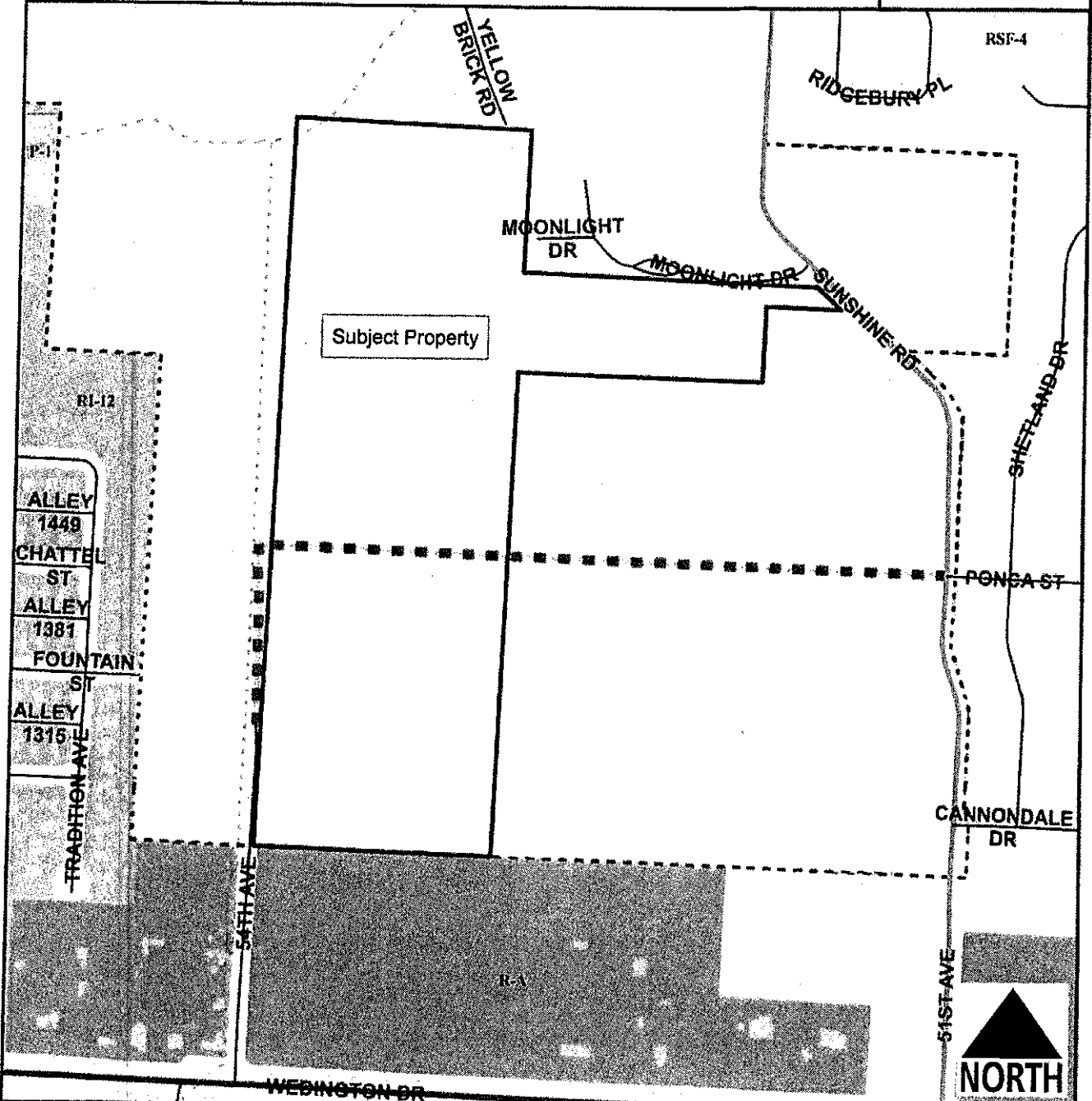
DATED: January 2, 2020 | 8:48 AM CST

ANX20-6981

FAYETTEVILLE HOUSING

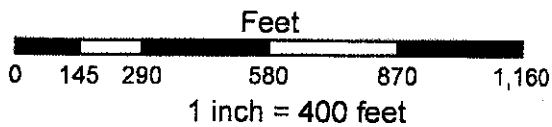
20-6981
EXHIBIT 'A'

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RI-12
- P-1

20-6981
EXHIBIT 'B'

Parcel No. 001-11742-000

Part of the NE 1/4 of the NW 1/4 of the NE 1/4 of Section 11, and part of the E 112 of the NE 1/4 of Section 11, all in Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows: Beginning at a point S 00°11'18" E 662.62 feet from the NW corner of the NE 1/4 of the NW 1/4 of the NE 1/4 of Section 11, thence N 00°11'18" W 274.79 feet; thence East 882.72 feet; thence S 49°00' E 397.80 feet; thence S 89°20'22" W 1181.86 feet to the point of beginning, containing 6.37 acres, more or less. LESS AND EXCEPT a part of the NE 1/4 of the NE 1/4 of Section 11, Township 16 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the NW corner of the NE 1/4 of the NW 1/4 of the NE 1/4 of Section 11; thence S 00°11'18" E 387.80 feet; thence S 89°58'10" E 836.48 feet; thence S 48°57'36" E 90.00 feet to the true point of beginning, said point being the West right of way of North Sunshine Road and running thence along said right of way S 48°57'36" E 308.08 feet to a set iron pin; thence leaving said right of way, S 89°20'45" W 446.72 feet; thence N 00°11'18" W 207.50 feet to a set iron pin; thence S 89°58'10" E 215.00 feet to the point of beginning, containing 1.56 acres, more or less.

AND

Parcel Nos. 001-11744-001 and 765-16164-001

The E 1/2 of the W 1/2 of the NW 1/4 of the NE 1/4 and a part of the E 1/2 of the W 1/2 of the SW 1/4 of the NE 1/4, all in Section 11, Township 16 North, Range 31 West, Washington County, Arkansas, and being more particularly described as follows: Beginning at the NW corner of the E 1/2 of the W 1/2 of the NW 1/4 of the NE 1/4, said point being a set 1/2 inch iron rebar; thence S 87°36'11" E 330.60 feet to the NE corner of said E 1/2 of the W 1/2 of the NW 1/4 of the NE 1/4; thence S 02°18'45" W 1318.98 feet to a set 1/2 inch iron rebar at the SE corner of said E 1/2 of the W 1/2 of the NW 1/4 of the NE 1/4; thence S 02°18'45" W 1269.64 feet along the East line of said E 1/2 of the W 1/2 of the SW 1/4 of the NE 1/4 to a set 1/2 inch iron rebar on the North right of way line of Arkansas State Highway #16 (Wedington Drive); thence N 87°35'04" W 330.43 feet along said right of way line to a set 1/2 inch iron rebar; thence leaving said right of way line, N 02°18'31" E 1269.11 feet to a set 1/2 inch iron rebar at the NW corner of said E 1/2 of the W 1/2 of the SW 1/4 of the NE 1/4; thence N 02°18'31" E 1319.40 feet to the point of beginning. Subject to any easements and/or rights of way whether or not of record. LESS AND EXCEPT that part already within the City of Fayetteville.

AND

Parcel Nos. 001-11744-000 and 765-16164-000

The W 1/2 of the W 1/2 of the NW 1/4 of the NE 1/4 and a part of the W 1/2 of the W 1/2 of the SW 1/4 of the NE 1/4, all in Section 11, Township 16 North, Range 31 West, Washington County, Arkansas, and being more particularly described as follows:

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City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2020-0130

Agenda Date: 2/18/2020

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

ANX 20-6981 1210 N 54TH STREET FAYETTEVILLE HOUSING PARTNERS:

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the annexation petition of Fayetteville Housing Partners and confirms the annexation to the City of Fayetteville, Arkansas of about 34.85 acres as described in Exhibit B and the map shown on Exhibit A both attached to the Planning Department's agenda memo.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby zones the newly annexed property R-A, Residential Agricultural.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map and zoning map of the City of Fayetteville to recognize this annexation.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns this 34.85 acres to Ward Four of the City of Fayetteville.

AGENDA REQUEST FORM

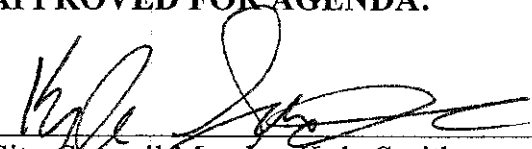
FOR: Council Meeting of February 18, 2020

FROM: Council Member Kyle Smith

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

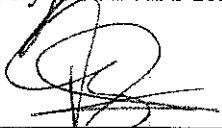
AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF FAYETTEVILLE HOUSING PARTNERS AND ANNEX 30.04 ACRES LOCATED AT 1210 NORTH 54TH STREET

APPROVED FOR AGENDA:



City Council Member Kyle Smith

2/10/2020
Date



Asst. City Attorney Blake Pennington
(as to form)

2/11/2020
Date



MEETING OF FEBRUARY 18, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: February 10, 2020

SUBJECT: ANX 20-6981: Annexation (1210 N. 54TH ST./FAYETTEVILLE HOUSING PARTNERS, 398): Submitted by CRAFTON TULL & ASSOCIATES, INC. for properties located at 1210 N. 54TH ST. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 30.04 acres. The request is to annex the property into the City of Fayetteville.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to annex the subject property, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is in west Fayetteville, on the north side of Wedington Drive, and between 51st and 54th Avenues. Although an approximately 9-acre portion of the overall property currently lays within incorporated Fayetteville, a larger 30-acre portion is in unincorporated Washington County. The property remains largely undeveloped, with several agricultural buildings and row crops representing the current land use through the non-profit, Cobblestone Farms. Although largely level, the northern extents of the property include areas of increasing slope as it nears the Hamestring Creek riparian corridor.

Request: The request is to annex the subject property in to the City of Fayetteville. The applicant has stated that the annexation is needed so that a portion of the property can be developed and the remainder left in agricultural or open space use. An order of annexation was signed by the Washington County Judge on January 2, 2020.

Land Use Plan Analysis: Please see the attached Planning Commission staff report

DISCUSSION:

On February 10, 2020, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 9-0-0. Public comment was made from a nearby resident with concerns about drainage. Additionally, representation from the Fayetteville Housing Authority spoke in support of the proposal.

BUDGET/STAFF IMPACT:
N/A

Attachments:

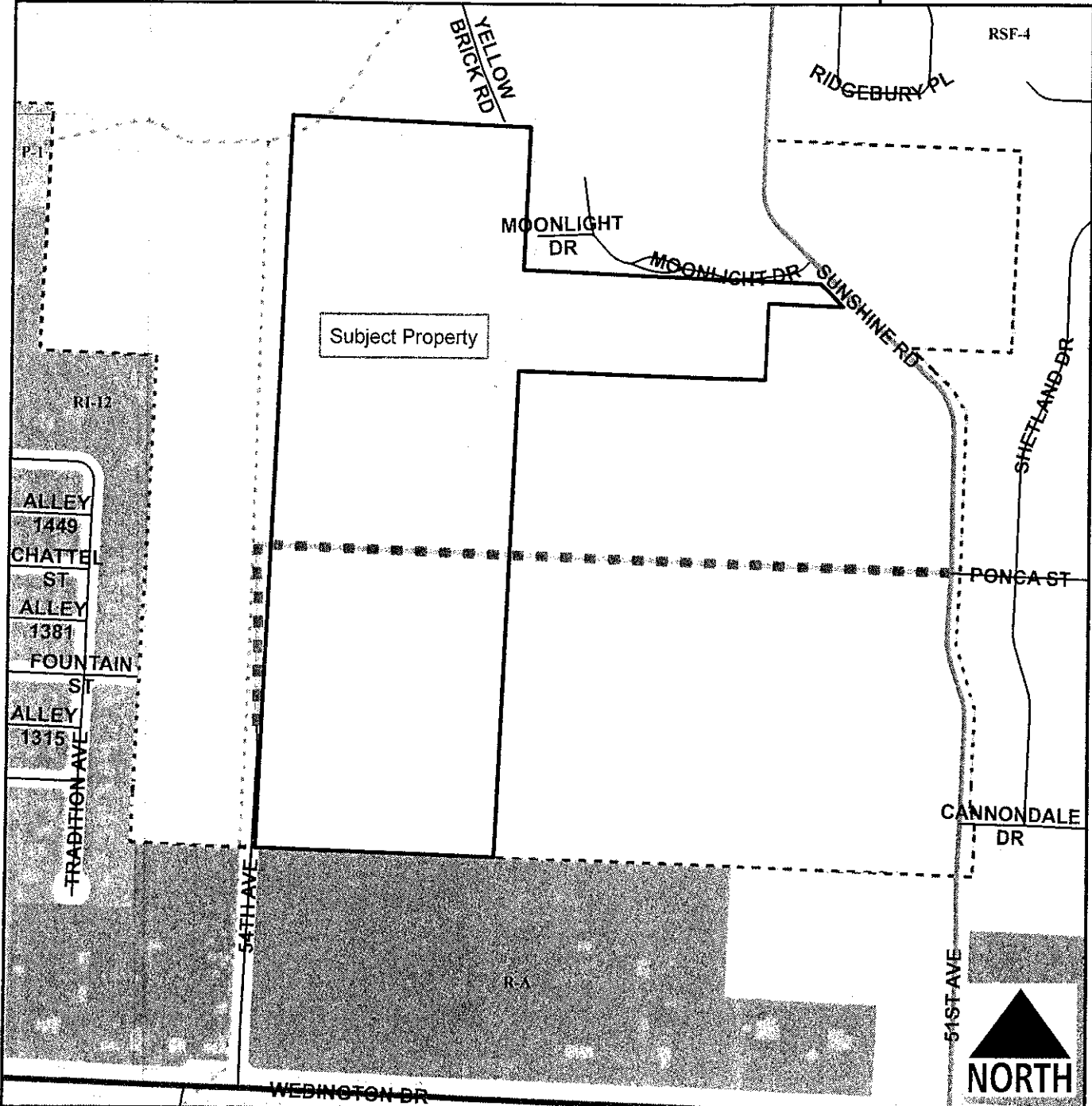
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

ANX20-6981

FAYETTEVILLE HOUSING

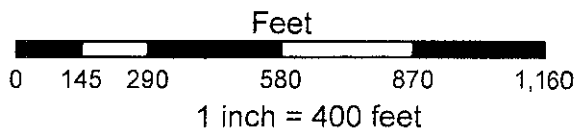
20-6981
EXHIBIT 'A'

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural RSF-4
- RI-12
- P-1

20-6981
EXHIBIT 'B'

THE W 1/2 OF THE NW 1/4 OF THE NE 1/4 AND PART OF THE W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 11;
THENCE ALONG THE NORTH LINE THEREOF S87°36'11"E 661.20 FEET TO THE NORTHEAST CORNER OF THE W 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 11;
THENCE ALONG THE EAST LINE THEREOF S02°18'45"W 1318.98 FEET TO THE NORTHEAST CORNER OF THE W 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 11;
THENCE ALONG THE EAST LINE THEREOF S02°18'18"W 659.91 FEET;
THENCE LEAVING SAID EAST LINE N87°40'33"W 661.03 FEET TO THE WEST LINE OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 11;
THENCE ALONG SAID WEST LINE N02°18'18"E 659.91 FEET TO THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 11;
THENCE ALONG THE WEST LINE THEREOF N02°18'18"E 1319.82 FEET TO THE POINT OF BEGINNING, CONTAINING 30.04 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Development Review Manager

MEETING DATE: February 10, 2020 (Updated with Planning Commission Results)

SUBJECT: **ANX 20-6981: Annexation (1210 N. 54TH ST./FAYETTEVILLE HOUSING PARTNERS, 398):** Submitted by CRAFTON TULL & ASSOCIATES, INC. for properties located at 1210 N. 54TH ST. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 30.04 acres. The request is to annex the property into the City of Fayetteville.

RECOMMENDATION:

Staff recommends forwarding **ANX 20-6981** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **ANX 20-6981** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is in west Fayetteville, on the north side of Wedington Drive, and between 51st and 54th Avenues. Although an approximately 9-acre portion of the overall property currently lays within incorporated Fayetteville, a larger 30-acre portion is in unincorporated Washington County. The property remains largely undeveloped, with several agricultural buildings and row crops representing the current land use through the non-profit, Cobblestone Farms. Although largely level, the northern extents of the property include areas of increasing slope as it nears the Hamestrim Creek riparian corridor. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	AG/SF Res 1 (Unincorporated Washington County)
South	Single-family Residential	R-A, Residential Agricultural
East	Undeveloped	AG/SF Res 1 (Unincorporated Washington County)
West	Single-family Residential; Outdoor Materials Storage	AG/SF Res 1 (Unincorporated Washington County)

Request: The request is to annex the subject property in to the City of Fayetteville. The applicant has stated that the annexation is needed so that a portion of the property can be developed and the remainder left in agricultural or open space use. An order of annexation was signed by the Washington County Judge on January 2, 2020.

Public Comment: Staff has received public inquiries regarding this request and its associated rezoning (RZN 20-6982). Although initially concerned, nearby property owners have expressed support or ambivalence once understanding the scope of the proposal.

INFRASTRUCTURE:

- Streets:** The subject parcel has direct access to West Wedington Drive, North Sunshine Road, North 54th Avenue, and West Yellow Brick Road. Per the 2040 Master Street Plan, Wedington Drive is a fully-improved Regional Link, High Activity, Sunshine is a Neighborhood Link, and 54th Street was downgraded from a Collector Street (Neighborhood Link) to a Residential Link. Additionally, a street stub-out from West Yellow Brick Road abuts the property's northern boundary. A planned residential link is proposed in the 2040 Master Plan to bisect this property east-west and connect with Ponca Street to the east. Any drainage or street improvements required would be determined at the time of development proposal.
- Water:** While public water is available to the overall site through an existing 8-inch water main on Sunshine and Yellow Brick, and one 18-inch main on Wedington, parcels 001-11744-000 and 001-11744-001, do not have direct access. These are the parcels on which Cobblestone Farms currently lay.
- Sewer:** Similarly, while public sanitary sewer is available to the overall site through 8-inch mains on 54th and Sunshine, and a 6-inch main on Wedington, parcels 001-11744-000 and 001-11744-001, do not have direct access.
- Drainage:** No portion of the site lies within the Hilltop-Hillside Overlay District. Although no FEMA-designated floodplain nor City-designated protected stream are found on the property, there are hydric soils along the southern extents of the site.
- Fire:** The property will be protected by Station 7, located at 835 North Ruppel Road, which is approximately 1.4 miles from the subject property. The anticipated response time would be approximately 5.2 minutes. This is within the response time goal of six minutes for an engine and eight minutes for a ladder truck.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity non-residential uses are encouraged at appropriate locations, such as on corners and connecting corridors.

FINDINGS OF THE STAFF

CITY PLAN 2040 (Res. 35-20)

12.3 Annexation Guiding Policies

Boundaries

- 12.3.5.a Annex existing islands and peninsulas and do not annex areas that create an island or peninsula

Finding: Following nearby annexations in 1994 and 2001 that subsequently developed as the Sage Meadows and Heritage Village subdivisions, the subject property and other unincorporated areas near it became a peninsula of Washington County land bordered by Fayetteville's corporate limits on three sides. While incorporation of the subject property will annex a portion of this peninsula, the situation may also be aggravated as many of the remaining, adjacent unincorporated properties will be bordered on three sides by the City of Fayetteville where they were previously bordered on one or two sides. The proposed new city limit boundaries could cause confusion for service providers and residents because of the atypical configuration.

12.3.5.b The proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent and contiguous to Fayetteville's City Limits in west Fayetteville.

12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The proposed annexation is for an area containing no subdivisions. Development is limited to buildings and activity associated with agricultural land use.

12.3.5.d Boundaries for annexed areas should follow natural corridors.

Finding: The proposed annexation boundaries follow the property lines of the subject property. To the south, the annexation boundary aligns with existing, incorporated land along Wedington Drive. To the west and east it abuts unincorporated land, and to the northeast, Sunshine Road right-of-way. The northern extents of the property adjoin the established Amber Jane Estates subdivision in unincorporated Washington County.

12.3.5.e The provision of services should be concurrent with development.

Finding: The property is adjacent to City water and sewer, and the site is within acceptable response times of the Fayetteville Fire Department. Connection to water and sewer service would be the responsibility of the property owner.

ENVIRONMENTALLY SENSITIVE AREAS

12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is largely undeveloped except for a farm and its accessory structures. While portions of the property have significant mature tree growth, the majority is clear. Furthermore, no portion of the property is designated as floodplain, Hillside-Hilltop Overlay District, or Streamside Protection Zone. A portion of the northwestern corner of the property, totaling approximately 1.25 acres, is within the Enduring Green Network. Although not currently determined, hydric soils on the property may indicate

wetlands. A wetlands determination may be required at the time of development.

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: Fire: The Fayetteville Fire Department response time to this location is approximately five minutes from the current closest station (835 N. Ruppel Road). The Fire Department response time goal is six minutes for an engine and eight minutes for a ladder truck.

Police: To date, the Fayetteville Police Department has not expressed any concerns with this request.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: The subject property would receive the same services, including trash service, police protection, fire protection, sewer, water, recycling and yard waste pick-up, and zoning protection as nearby property within the City.

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units, and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: Fire and police protection are currently provided to the portion of the property that is within incorporated Fayetteville. Additionally, given the nature of the City's automatic response agreements with outlying areas, the Fayetteville Fire Department is currently the de facto first responder. The overall property currently has access to City water and sanitary sewer, but extensions will likely be required to serve the larger property currently outside the City limits.

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Engineering: Between the existing utilities located along Wedington Drive to the south, 54th Avenue to the west, Sunshine Drive to the northeast, and Yellow Brick Road to the north, Engineering does not anticipate a need to upgrade utilities to accommodate development of the property.

Planning: The proposed annexation will not immediately lead to increased density on the subject property or increased traffic congestion in the area. If developed under the zoning requirements of the concurrently-requested RI-U and CS zoning districts there will be a marked increase in both density and traffic. Given adjacency to Wedington Drive and existing traffic accident data, Planning staff does not anticipate that increased traffic from this site will pose a traffic danger.

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: Not applicable; the proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

12.3.5.m Promote long-range planning with adjacent jurisdictions.

Finding: Not applicable; the extent of the proposed rezoning is not within or adjacent to the planning areas of other municipalities in Washington County. Additionally, the property would not require access through other jurisdictions nor would it be served by their services.

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater, and sewer.

Finding: Not applicable; The subject property and all of those around it are served by either Fayetteville water, sewer, or both. Those currently not served by Fayetteville water and sewer utilize water wells or septic systems.

ADMINISTRATION OF ANNEXATIONS

12.3.5.o Develop a land use plan for annexation initiated by the City.

Finding: Not applicable; this annexation is not City-initiated. However, the property is included within the City's Future Land Use Plan.

12.3.5.p Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. However, the applicant has submitted a concurrent request to rezone a portion of the area under consideration for annexation and the entire area already within Fayetteville. The request is to rezone approximately 2.28 acres along Wedington to CS, Commercial Services, and a larger area north and west of that to RI-U, Residential Intermediate, Urban. The RI-U area will include the balance of the area currently in Fayetteville not proposed as CS, and an additional 15.2 acres of the land under consideration for annexation. The remainder of the property is proposed to remain R-A, Residential Agricultural, for continued farming use.

12.3.5.q An annexation study should be completed on all annexation proposals.

Finding: Planning staff has engaged with the Engineering Division along with the Water and Sewer, Fire, and Police Departments to review the proposed annexation. The request was studied to determine if facilities or services are available or needed in association with this request. Responses are included throughout this report.

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: Future development of the subject property will be required to go through the development review process.

12.3.5.s Residents should be fully informed of annexation activities.

Finding: Per §157.03 of the Unified Development Code, property owners and residents within 200 feet of the subject property are notified. Additionally, a legal advertisement has been submitted with the local newspaper prior to the Planning Commission meeting for which this item is scheduled.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds that this request is of a moderate size, totaling approximately 30 acres. The request would somewhat reduce a peninsula of unincorporated area, but it would also exacerbate the remoteness of other areas of the peninsula not proposed for annexation. If the Council desires to annex the area, staff would recommend additional area be incorporated to “square-off” the city limits to create a more logical boundary.

12.3.5.u Conduct a fiscal impact assessment on large annexations.

Finding: Given the moderate size of the proposed rezoning, a fiscal impact assessment was not conducted for the requested annexation. However, it should be noted that annexing land toward the western extent of the City and developing it can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner. The proposal to rezone the property in a manner that promotes urban form and higher densities somewhat ameliorates this concern.

RECOMMENDATION: Planning staff recommends forwarding ANX 20-6981 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>February 10, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: Johnson, to forward to the City Council with a recommendation of approval.
Second: Paxton
Vote: 9-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- City Plan 2040, Section 12.3: Annexation
- Request letter
- Order of Annexation
- City Services Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

12.3 Annexation

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexation areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas may become part of the City when these annexation policies are met.

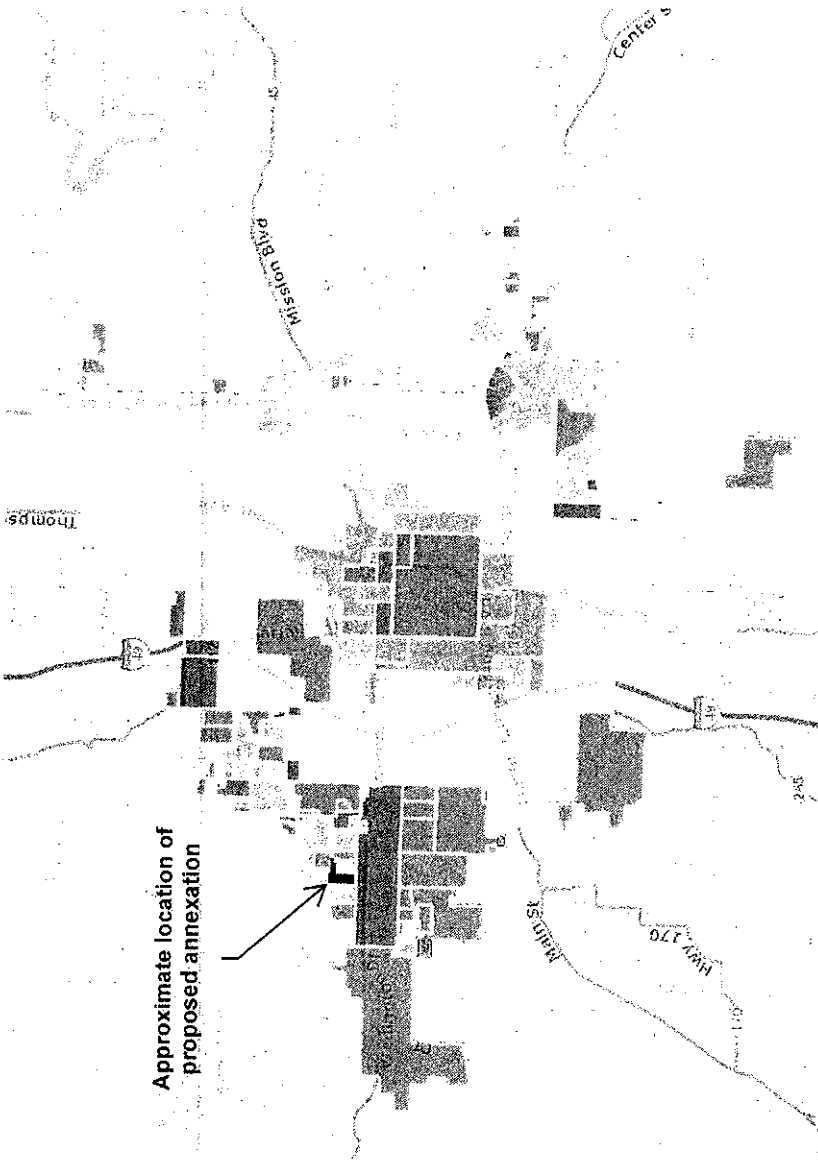
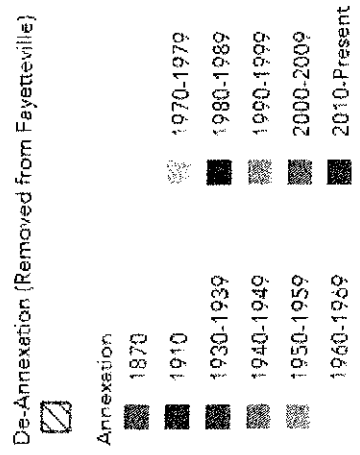


Figure 12.15 - Fayetteville Annexation Map



Annexation History and Trends

The original town was incorporated in 1870 with approximately 1,100 acres. Since incorporation, the City has made almost 200 annexations, totaling over 34,000 acres. Annexation activity was relatively slow until the 1940's, when over 2,500 acres were annexed within 19 annexations. During the 1950's, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940's. By the 1960's, annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the city limits. Annexation numbers dropped in 1970 and stayed steady until the 1990's, when the number of annexations tripled from the 1980's. By 2000, the City contained 45 square miles and by 2018 the City contained approximately 55 square miles.

One indicator of the amount of developable land within the City is the number of people per acre. Prior to 1940 there were approximately 5.6 persons per acre. This era represents the time when Fayetteville was still relatively small and consisted primarily of what we would now consider the downtown and surrounding neighborhoods. By 1970, after numerous large annexations in the 1960's, the persons per acre had been reduced to 1.3. The City's population continued to increase dramatically through the 2000's when we maintained just over 2 people per acre from 2000-2010. An annexation referendum in October of 2006 for a large area along Wedington Drive on the west side of town brought in an additional 1,400 acres of low density land for eventual development.

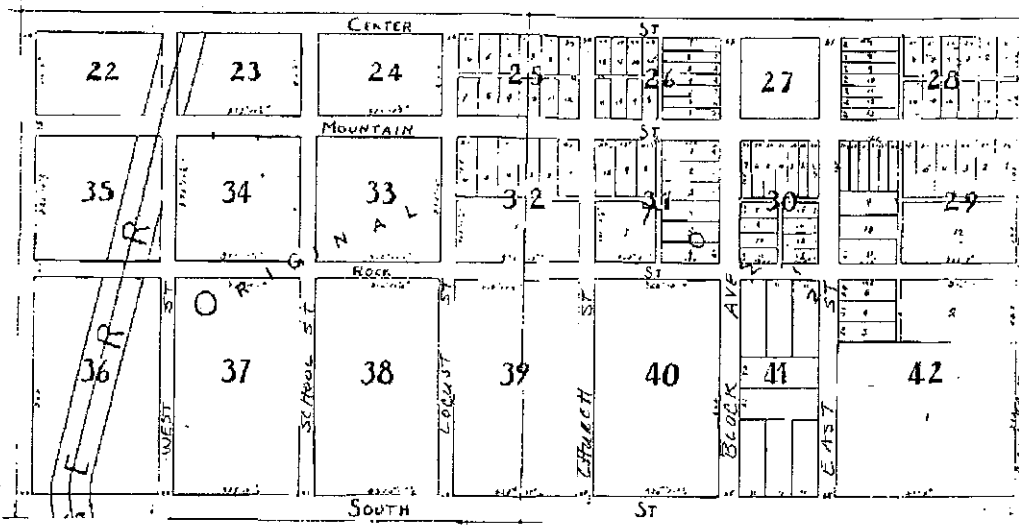


Figure 12.16 - Fayetteville Town Plat



State Statutes on Annexation

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities. If the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties to annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance. A majority of the governing body must approve the annexation for it to become effective.



Figure 12.17 - Great Seal of the State of Arkansas

Property owners in areas contiguous and adjacent to the municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

Potential Annexation Areas

The potential annexation areas should be identified by the City using the following criteria:

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

Annexation Guiding Policies

Boundaries

- Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- Proposed annexation area must be adjacent, or contiguous, to city limits.
- Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- Boundaries for annexed areas should follow natural corridors.
- The provision of services should be concurrent with development.

Environmentally Sensitive Areas

- Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- Public services must be able to be provided efficiently in newly annexed areas.
- Annexed areas should receive the same level of service of areas already in the city limits.
- The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.



Infrastructure and Utilities

- Areas currently served by utilities and other public services should be annexed.
- Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- Phased annexation should be initiated by the City within the active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- Promote long-range planning with adjacent jurisdictions.
- Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- Develop a land use plan for annexation initiated by the City.
- Designate zoning districts for property during the annexation process.
- An annexation study should be completed on all annexation proposals.
- Development proposals require a separate review from the annexation proposals.
- Residents should be fully informed of annexation activities.
- Encourage larger annexations to create acceptable boundaries.
- Conduct a fiscal impact assessment on large annexations.





Crafton Tull
architecture | engineering | surveying

901 N 47th Street, Suite 200
Rogers, AR 72756

479.636.4838 (off)
479.631.6224 (fax)

ANX 20-6981

**Request
Letter**

January 2, 2020

City of Fayetteville
Planning Staff
125 W. Mountain Street
Fayetteville, AR 72701

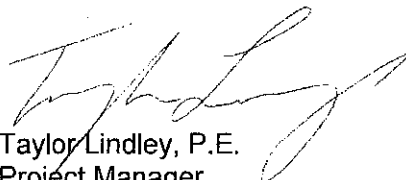
RE: Wedington Rezoning
CTA Job No. 19112400

To whom it may concern,

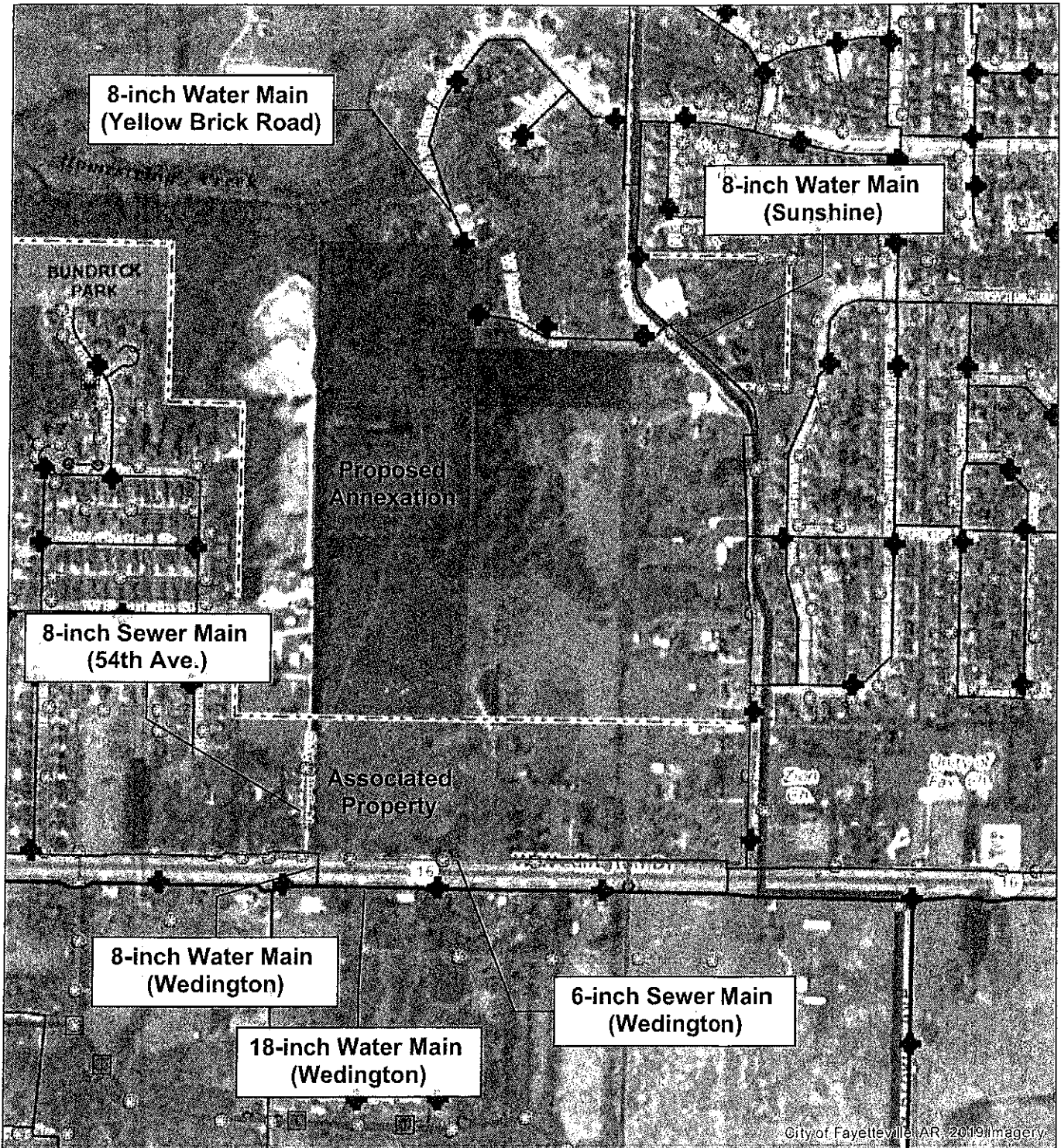
This submittal is for the annexation of approximately 30 acres along Wedington Dr. There is currently approximately 10 acres of property within the city limits and this will bring the rest into the city. The property is adjacent to existing city limits on the south and west sides. No island or enclave will be created with this annexation.

The intent for land use on the affected property is further explained in the submittal letter for the proposed zoning of the property. Should you have any questions or concerns feel free to contact us.

Thanks,


Taylor Lindley, P.E.
Project Manager

Fayetteville, AR



2/5/2020, 1:12:15 PM

Sewer Pressurized Main

1:9,028

Hydrant

2" - 8"

Water Main

10" - 18"

Unknown Diameter

20" - 36"

1" - 8"

Sewer Main

Unknown

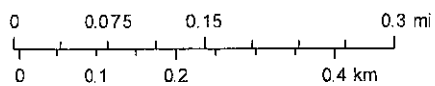
10" - 20"

Up to 8"

24" - 42"

8" to 12"

12" and up

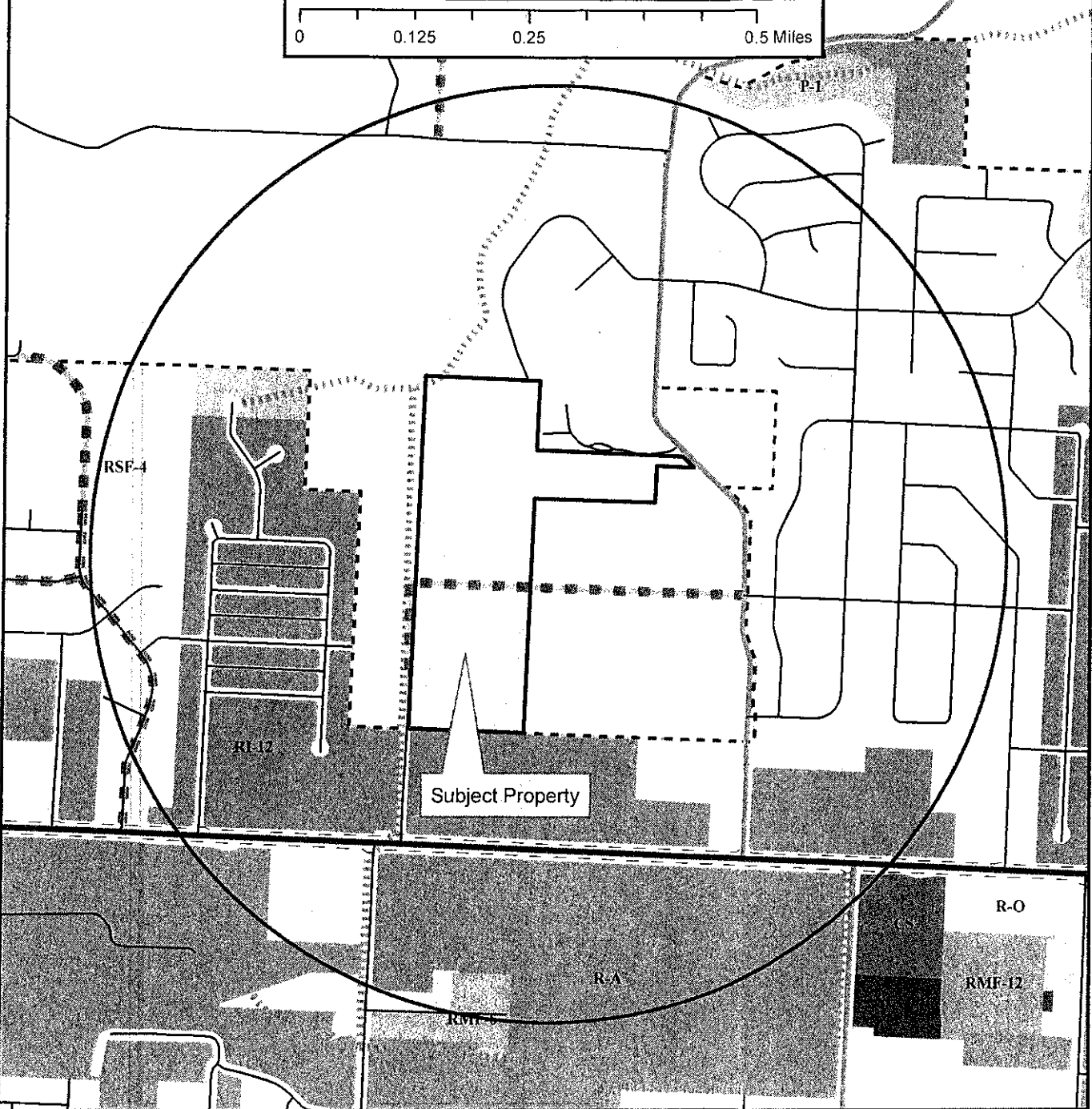
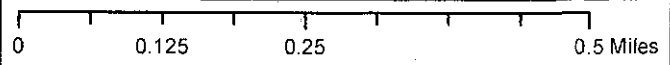


The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

ANX20-6981

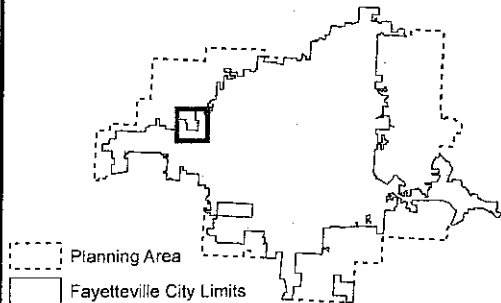
FAYETTEVILLE HOUSING

One Mile View



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)

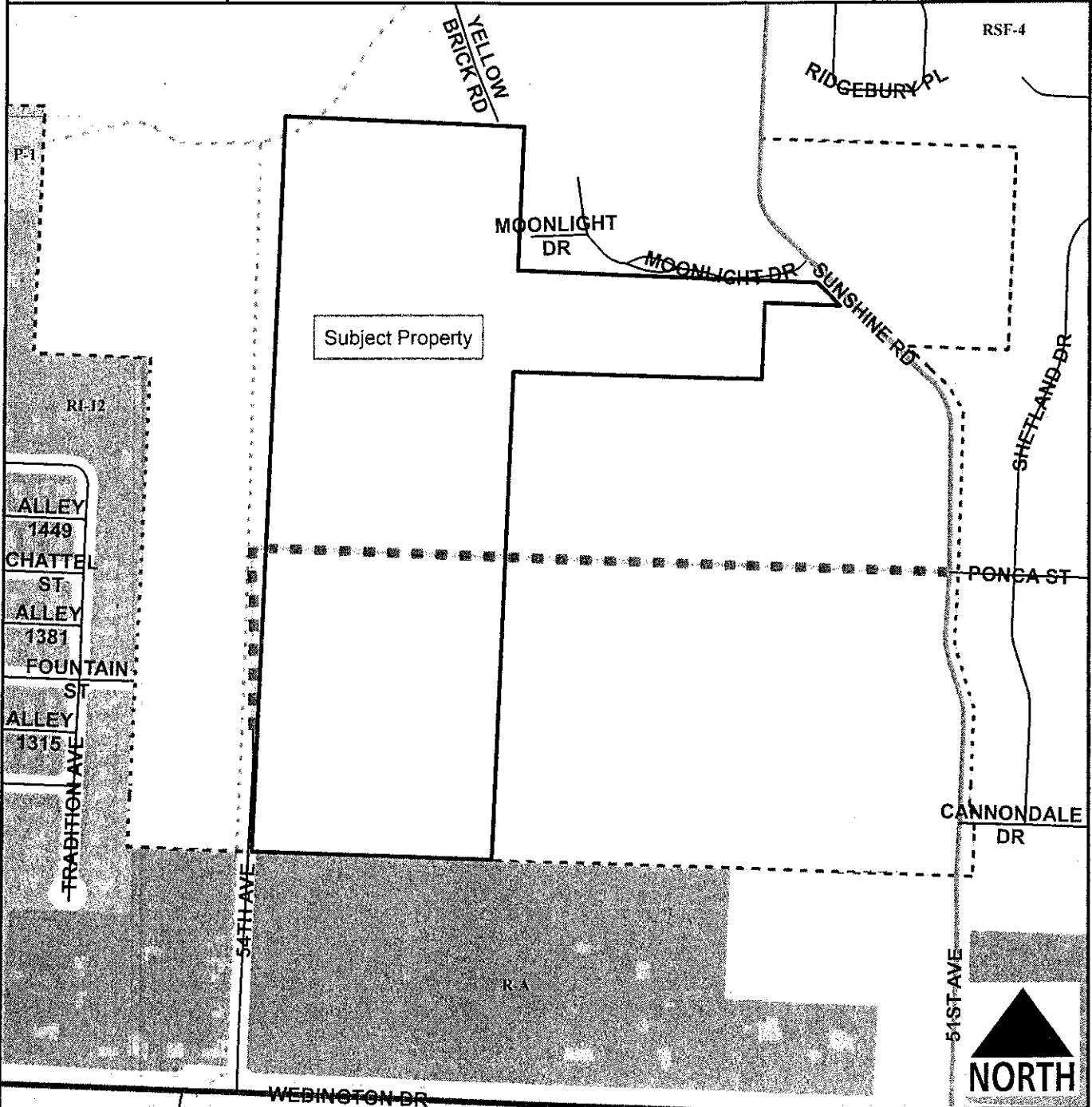


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-1 RSF-1
 - RSF-2 RSF-2
 - RSF-3 RSF-3
 - RSF-4 RSF-4
 - RSF-5 RSF-5
 - RSF-6 RSF-6
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 - RSF-43 RSF-43
 - RSF-44 RSF-44
 - RSF-45 RSF-45
 - RSF-46 RSF-46
 - RSF-47 RSF-47
 - RSF-48 RSF-48
 - RSF-49 RSF-49
 - RSF-50 RSF-50
- RESIDENTIAL MULTI-FAMILY**
- RMF-1 RMF-1
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 - RMF-48 RMF-48
 - RMF-49 RMF-49
 - RMF-50 RMF-50
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- CO-1 Residential Office
 - CO-2
 - CO-3
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 - CO-45
 - CO-46
 - CO-47
 - CO-48
 - CO-49
 - CO-50
- FORM BASED DISTRICTS**
- FB-1 Downtown Core
 - FB-2 Urban Thoroughfare
 - FB-3 Main Street Corridor
 - FB-4 Downtown General
 - FB-5 Community Services
 - FB-6 Neighborhood Services
 - FB-7 Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- PZ-1 Commercial Industrial Residential
 - PZ-2 INSTITUTIONAL

ANX20-6981

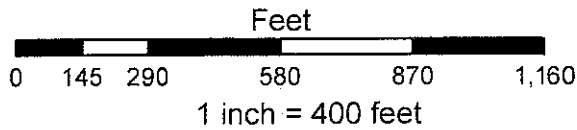
FAYETTEVILLE HOUSING

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RI-12
- P-1

ANX20-6981

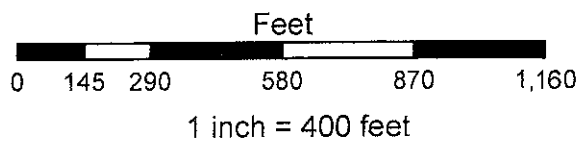
FAYETTEVILLE HOUSING PARTNERS



Current Land Use



- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

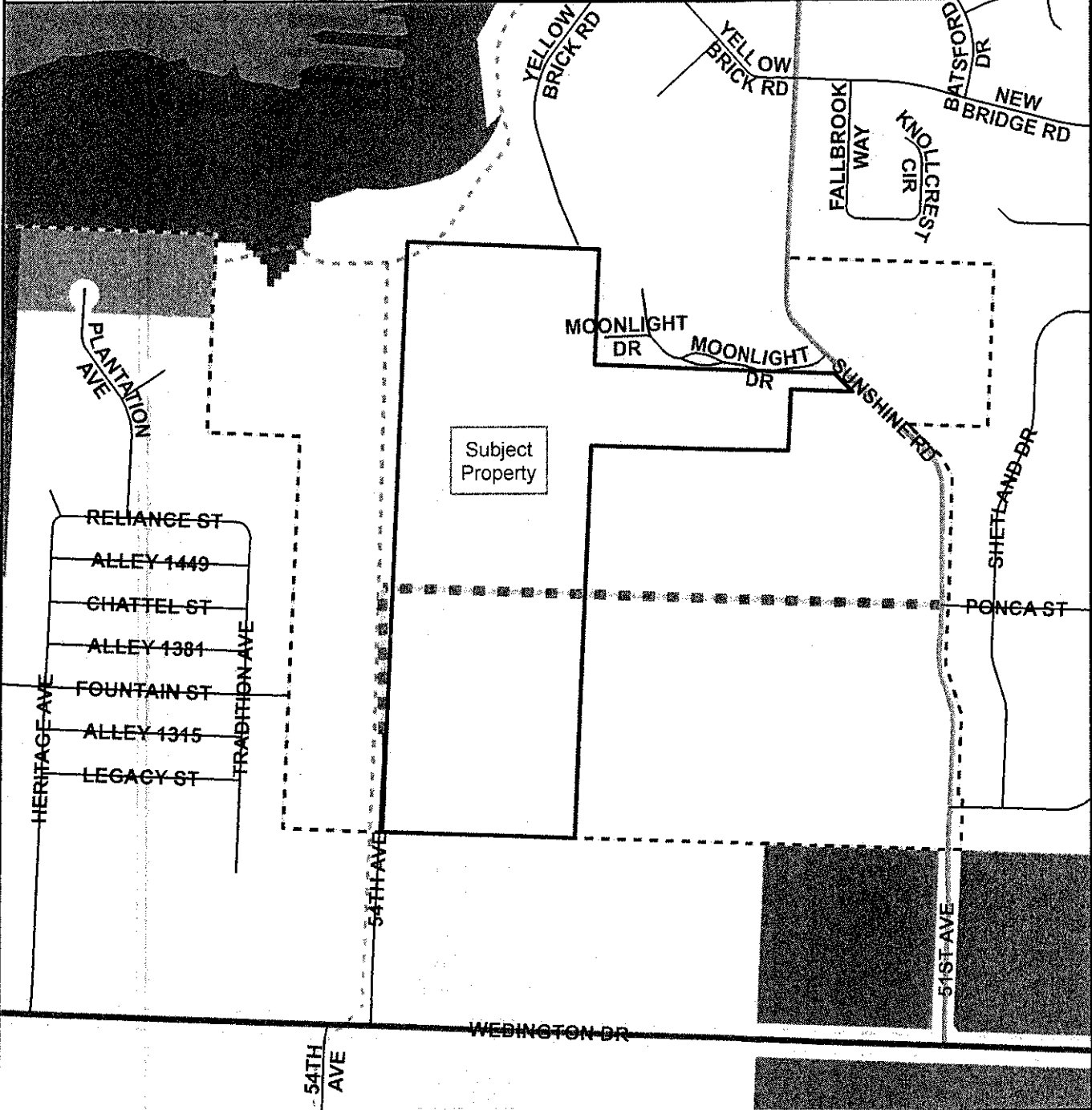
- 100-Year Floodplain
- Floodway

ANX20-6981

FAYETTEVILLE HOUSING



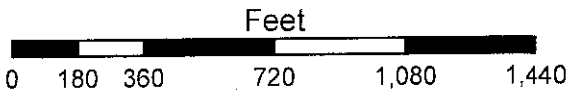
Future Land Use



Subject Property

Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



1 inch = 500 feet

Future Land Use 2040

- Natural Area
- Rural Area
- Residential Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks

RECEIVED

MAR 04 2020

NORTHWEST ARKANSAS Democrat Gazette

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

AFFIDAVIT OF PUBLICATION

I Cathy Staggs, do solemnly swear that I am the Accounting Manager for the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
Ord 6284

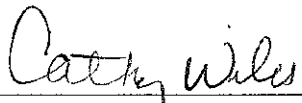
Was inserted in the Regular Edition on:

February 27, 2020

Publication Charges: \$ 96.20


Cathy Staggs

Subscribed and sworn to before me
This 28 day of Feb, 2020


Cathy Wilks
Notary Public
My Commission Expires: 2/20/2024

****NOTE****

Please do not pay from Affidavit.
Invoice will be sent.

Ordinance: 6284
File Number: 2020-0130
ANX 20-6981 1210 N 54TH STREET
FAYETTEVILLE HOUSING PARTNERS:
AN ORDINANCE TO APPROVE THE
ANNEXATION PETITION OF THE
FAYETTEVILLE HOUSING PARTNERS
AND ANNEX 34.85 ACRES OF LAND
LOCATED AT 1210 NORTH 54TH STREET
WHEREAS, Fayetteville Housing Partners has
properly secured the Washington County Judge's
authorization to annex their 34.85 acres on the
north side of Wedington Drive located at 1210
North 54th Street.
NOW, THEREFORE, BE IT ORDAINED BY
THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:
Section 1: That the City Council of the City of
Fayetteville, Arkansas hereby approves the
annexation petition of Fayetteville Housing
Partners and confirms the annexation to the City
of Fayetteville, Arkansas of about 34.85 acres as
described in Exhibit B and the map shown on
Exhibit A both attached to the Planning
Department's agenda memo.
Section 2: That the City Council of the City of
Fayetteville, Arkansas hereby zones the newly
annexed property R-A, Residential Agricultural.
Section 3: That the City Council of the City of
Fayetteville, Arkansas hereby amends the
official map and zoning map of the City of
Fayetteville to recognize this annexation.
Section 4: That the City Council of the City of
Fayetteville, Arkansas hereby assigns this 34.85
acres to Ward Four of the City of Fayetteville.
File Number: 2020-0130
PASSED and APPROVED on 2/18/2020
Approved:
Lionel Jordan, Mayor
Attest:
Kara Paxton, City Clerk Treasurer
75235174 02/27/2020

SECTION CLERK
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

2020 JAN -2 AM 8:52

FILED

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

**IN THE MATTER OF ANNEXING TO THE
CITY OF FAYETTEVILLE, ARKANSAS,
CERTAIN TERRITORY CONTIGUOUS
TO SAID CITY OF FAYETTEVILLE, ARKANSAS**

CC NO. 2019-43

ORDER CONCERNING ANNEXATION

On this regular day of a regular term of the County Court of Washington County, Arkansas, there is presented to the Court by the New Heights Church, the petition of the real estate owner desiring the annexation of territory to the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.
4. The Court finds that the territory consists of lands that:
 - a.. whether platted or not, are held to be sold as suburban property;
 - b. represent the actual growth of the municipality beyond its legal boundary; and
 - c. are needed for proper municipal purposes such as the extension of need police regulations.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the
City of Fayetteville, Arkansas.

DocuSigned by:
Joseph Wood
34F19462757444F...

JOSEPH K. WOOD, COUNTY JUDGE

DATED: January 2, 2020 | 8:48 AM CST



**ARKANSAS
GIS OFFICE**

Department of Transformation
and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

December 13, 2019

Mr. Robert K. Rhodes
Hall Estill – Attorneys at Law
75 N. East Ave Ste 500
Fayetteville, AR 72701

RE: City of Fayetteville Annexation Coordination Requirement

Mr. Rhodes,

Thank you for coordinating with our office as you seek to annex property into the City of Fayetteville, AR located in Section 11, Township 16 North, Range 31 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst

Attachments:

GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

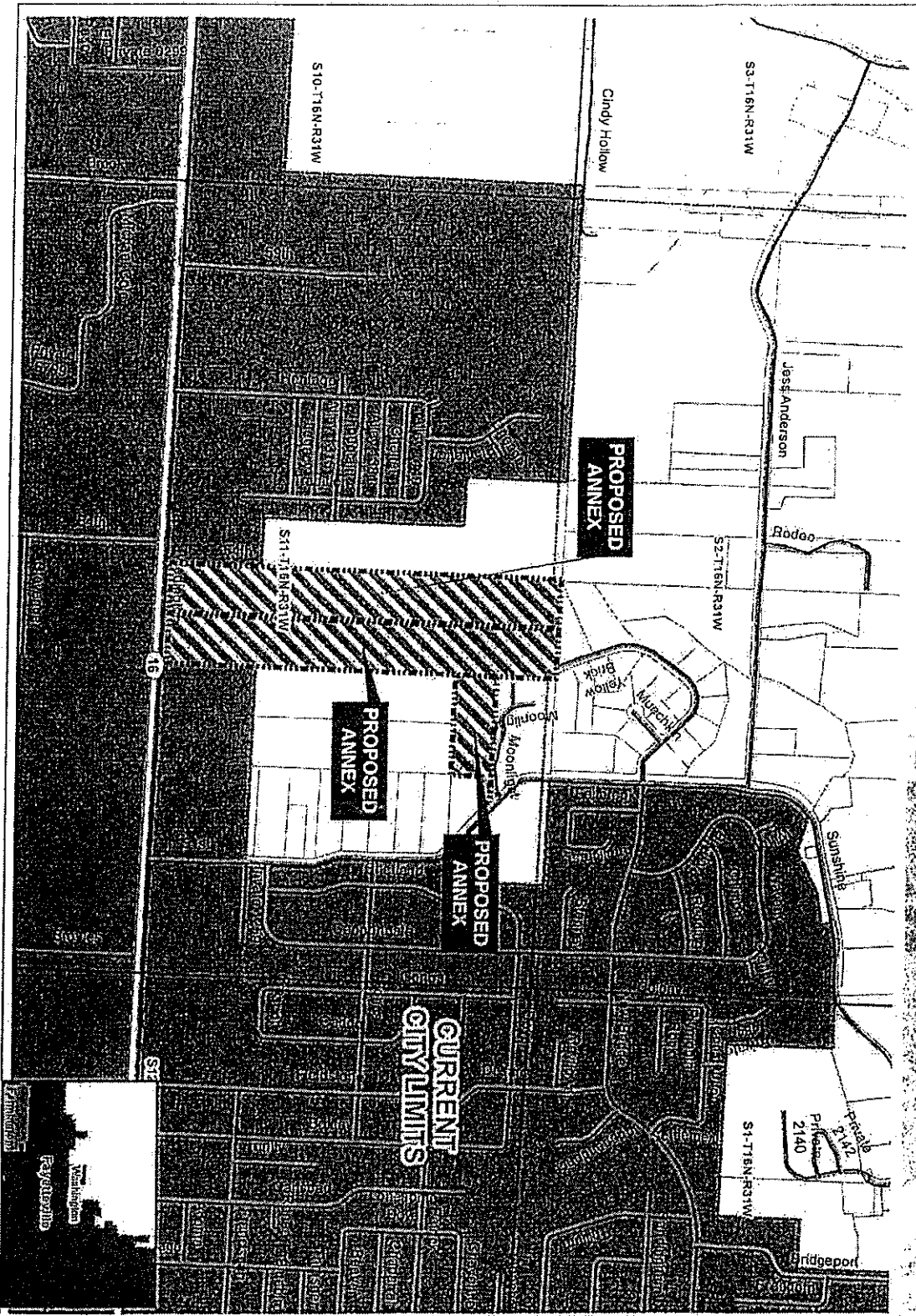
H:\City_Annexations\Cities\Fayetteville\20191213\Doc\20191213_Fayetteville_Annexation_Coordination_Letter.docx

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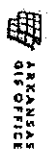
Proposed Annex: City of Fayetteville
 December 2019

City: Fayetteville
 Mayor: Lioneld Jordan



Arkansas Code 14-40-101.
 Before an entity undertakes an annexation, consolidation, or detachment, processing under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.
 The map contained herein, in evidence, the entity has met requirements of Act 914 of 2015

- Proposed Annex
- Section
- Parcel
- Highway
- Water
- Water Road
- Staking Chip
- Highwaying Chip
- County Boundary





WASHINGTON COUNTY

STATE OF ARKANSAS

Washington County Courthouse
280 North College Avenue, Suite 300
Fayetteville, Arkansas 72701
Telephone: (479) 444-1711
Fax: (479) 444-1894

BECKY LEWALLEN
County And Probate Clerk

July 31, 2020

To Whom it may Concern:

You will find enclosed an Annexation to the City of Fayetteville. If you have any further questions please don't hesitate to call.

Thanks,

Jennifer Sharpshair
Chief Deputy County Clerk
280 N. College Ave.; Suite 300
Fayetteville, AR 72701
(479)444-1711