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

Ordinance: 6426

File Number: 2021-0252

AMEND §166.04(B)(2)(a) DEDICATION OF RIGHT-OF-WAY OF THE UNIFIED DEVELOPMENT CODE:

AN ORDINANCE TO AMEND §166.04(B)(2)(a) *DEDICATION OF RIGHT-OF-WAY* OF THE *UNIFIED DEVELOPMENT CODE* BY ADDING THE POWER OF THE CITY COUNCIL TO GRANT A LESSER DEDICATION OF THE MASTER STREET PLAN RIGHT-OF-WAY REQUIREMENT FOR A LOT SPLIT

WHEREAS, §166.04(B)(2)(a) requires that the Subdivision Committee or Planning Commission must make a recommendation to approve a lesser dedication of Master Street Plan right-of-way for a lot split **before** such lesser dedication can be granted by the City Council; and

WHEREAS, the City Council should retain the right to grant such lesser dedication of street right-of-way for a lot split on its own initiative especially when such lesser dedication may be necessary to avoid an unconstitutional exaction or taking of private property.

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 amends §166.04(B)(2)(a) by enacting a final sentence as follows:

“The City Council retains the right to grant a lesser dedication of the right-of-way than is normally required by the Master Street Plan without the Subdivision Committee’s or Planning Commission’s recommendation.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby grants the lesser dedication of Master Street Plan right-of-way requested by Zara Niederman to match his previous


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dedication of street right-of-way required for this same lot split development.

PASSED and APPROVED on 4/6/2021

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer

