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

**Ordinance: 6426**

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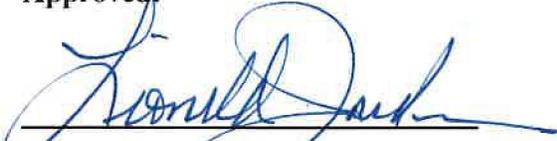
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dedication of street right-of-way required for this same lot split development.

PASSED and APPROVED on 4/6/2021

**Approved:**

  
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Lioneld Jordan, Mayor

**Attest:**

  
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Kara Paxton, City Clerk Treasurer

