

ACCESS MANAGEMENT PLAN AGREEMENT
For
HIGHWAY 265 IN FAYETTEVILLE

- I. **PARTIES** – This agreement is made between the City of Fayetteville (the City), the Arkansas State Highway Commission (the Commission) acting through the Arkansas State Highway and Transportation Department (the Department) and the Northwest Arkansas Regional Planning Commission as the designated metropolitan planning organization for Northwest Arkansas under federal transportation regulations (the MPO). Although a very short portion of the east side of the corridor north and south of Clear Creek Drive is in the City of Springdale, Springdale is not a formal party to the agreement. However, Springdale officials have been consulted during the Plan development and will be consulted on the rare occasion that Springdale property may be impacted.
- II. **ROUTE** – This access management agreement pertains to Highway 265, also known as Crossover Road south of Clear Creek Drive and Old Missouri Road to the north, from the intersection with Township Street north to the intersection with Ivey Lane, (the Roadway). See Appendix A, Figure 1.
- III. **STATEMENT OF PURPOSE** – Highway 265 is a principal arterial on the City master street plan and serves as an intra-regional arterial roadway connecting the City to its economic region. The primary purpose for this agreement is to protect the capacity of the roadway to carry significant local and intra-regional traffic while increasing the safety for drivers, bicyclists, and pedestrians that use this facility. It is the intent of this agreement to provide access to abutting properties consistent with this objective.
- IV. **AUTHORITY** – Both the City and the Commission have specific legal authority to regulate access to public roads. In the case of the City, it is found in Arkansas Code Annotated 14-56-419. In the case of the Commission, it is found in Arkansas Code Annotated 27-65-107. The MPO is hereby granted standing in this access management agreement by the City and the Commission in recognition of its role in transportation planning within the metropolitan area.
- V. **ACCESS PLAN** – Management of access to the roadway is necessary to achieve the primary purpose of the agreement. The access management plan (the Plan) is detailed in Appendix A. The Plan is a Specific Access Management Plan in which all median breaks are specifically identified. Standards for driveways are also established to be applied during plat review

prior to development approval by the City. In addition, any property interconnect agreements and requirements or new local roadways needed to facilitate median construction are included in this Plan.

VI. AGREEMENT ADOPTION/TERMINATION/MODIFICATION – This agreement will be deemed adopted when passed in identical form by the Fayetteville City Council, the Northwest Arkansas MPO, and the Arkansas State Highway Commission and signed by their proper representatives. This agreement may be terminated or modified, in whole or in part only by mutual agreement of all of the parties as evidenced by resolutions adopted by each governing body.

VII. PLAN ADMINISTRATION –

A. Permit Application.

A permit issued by the Department will be required for new driveway access to the Roadway. Any legal person owning property abutting the Roadway may request a driveway access permit. The permit will be requested through a designated administrative process from the City of Fayetteville. The applicant is required to submit a detailed plan for the driveway including a map showing its exact location and a design that shows the curb radii, driveway throat width and length, and that specifies the projected volume of turns into and out of the driveway. Any joint access agreements with other property owners should also be submitted.

After review of the application, the City determines whether the request is within the allowable parameters established by the Plan. If so, the City stamps the detailed plan with a review signature block (Appendix B), signs it indicating approval, enters any approval conditions in the comment section, and returns to the applicant. The applicant will then submit the stamped plan to the Department's District 4 Permit Officer for review. If the City has approved the application as evidenced by the signature of a properly designated administrative representative and if the application meets all Department criteria for issuance of such a permit, the Department will sign the approval block and issue a permit to the applicant. If the signature of a designated City representative is missing from the permit application, the Department will not issue a permit.

In the rare case that a driveway permit is submitted to the Department in the short section within the City of Springdale, all signatories will be informed of

the application and will make a joint determination in consultation with the City of Springdale.

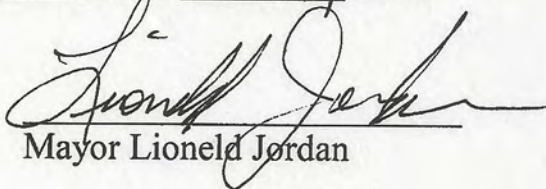
B. Amending the Plan.

A Plan amendment (variance) will be considered at the request of any of the parties to this agreement or at the request of an applicant whose permit request has been denied by any of the parties.

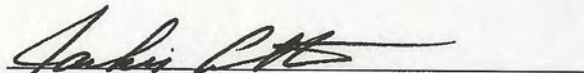
The proposed amendment must be adopted in identical form by the Fayetteville City Council, the Northwest Arkansas MPO, and the Arkansas State Highway Commission to become effective.

The Plan will be updated immediately after construction of each widened portion of the Roadway is completed to reflect any changes to driveway location due to that construction if necessary.

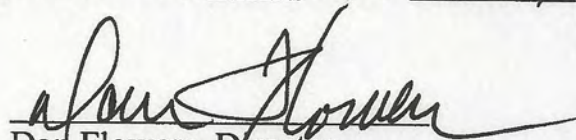
Pursuant to Resolution No. 34-09 of the Fayetteville City Council approved on the 3rd day of February, 2009

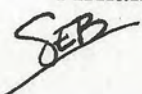

Mayor Lioneld Jordan

Pursuant to Resolution No. 2-09 of the Northwest Arkansas MPO approved on the 25th day of February, 2009

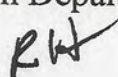

MPO Chairman

Pursuant to Minute Order No. 2009-021 of the Arkansas State Highway Commission approved on the 7th day of January, 2009


Dan Flowers, Director
Arkansas State Highway and Transportation Department







APPENDIX A HIGHWAY 265 ACCESS MANAGEMENT PLAN

Design Concept

As a principal arterial, the proposed design for Highway 265 from Township to Ivey Lane (Figure 1) is intended to balance the need to provide for long distance travel on the roadway and reasonable access to abutting properties while at the same time maintaining the capacity of the roadway to operate in a safe and efficient manner. Consequently, access to abutting property is subordinate to the goal of traffic movement and subject to necessary management of entrances and exits.

Design Elements

Raised median-divided facility

- Median breaks generally spaced at 1/4 mile intervals
- Traffic signals generally spaced at 1/2 mile intervals

Future signal locations at median breaks will be determined by meeting warrants, on a case by case basis.

Future median breaks may be considered if there is an identified safety or operational problem, or both, at an adjacent intersection with an existing median break.

Quick turn-around (bulb-out) design at all median breaks to allow U-turns. Nine (9) full directional median breaks (identified by MB# on the following maps) with quick turnarounds at the following locations:

- MB #1 - Ferguson Avenue/Candlewood Drive,
- MB #2 - Old Wire Road,
- MB #3 - Par Court,
- MB #4 - Joyce Boulevard,
- MB #5 - Sterling Court,
- MB #6 - West Zion Road,
- MB #7 - East Zion Road,
- MB #8 - Hearthstone Drive, and
- MB #9 - Albright Road.

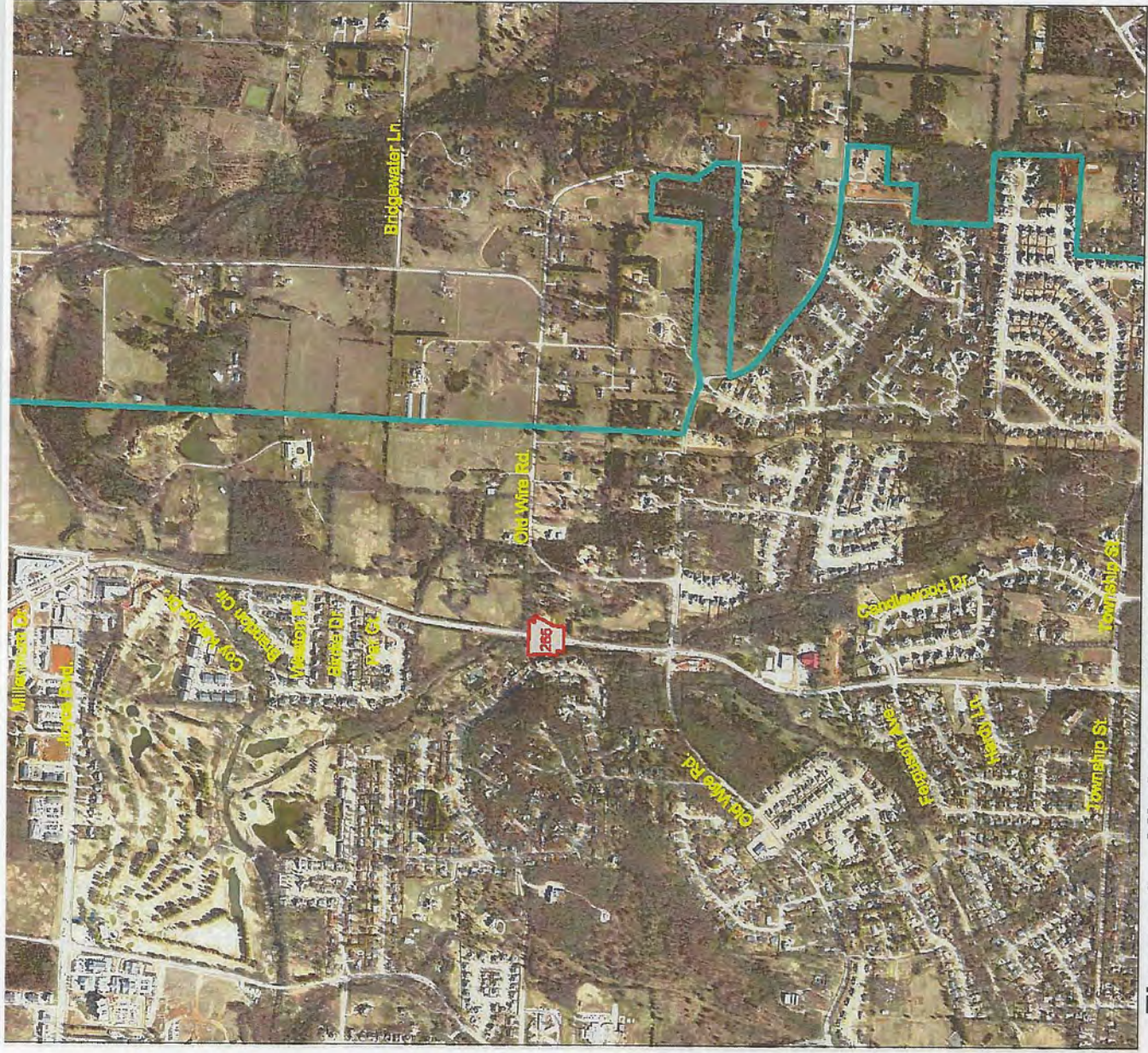


Figure 1 – Highway 265 Access Management Plan Corridor

Minimum access point (driveway or street intersection) spacing of 300 feet from centerline of driveway or street intersection. No parcels along the Roadway shall be subdivided into lot sizes too small to meet the minimum access point spacing requirement unless a written easement agreement is executed between adjacent properties.

Existing driveways (identified by ED# on the following maps) in place at the date of the adoption of this Plan that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions: (a) When new access connection permits are requested; (b) Upon expansion or improvements to commercial or multi-family residential property greater than 50 percent of the assessed property value or gross floor area or volume; or (c) As roadway improvements allow.

The location and number of existing driveways shall be updated and amended into the Plan immediately after construction of each widened portion of the Roadway is completed.

Property that fronts the Roadway and a lower-classification street should place higher priority on accessing the lower-classification street.



Figure 2
Highway 265 Existing Driveways - Township to Joyce
As of March 2008

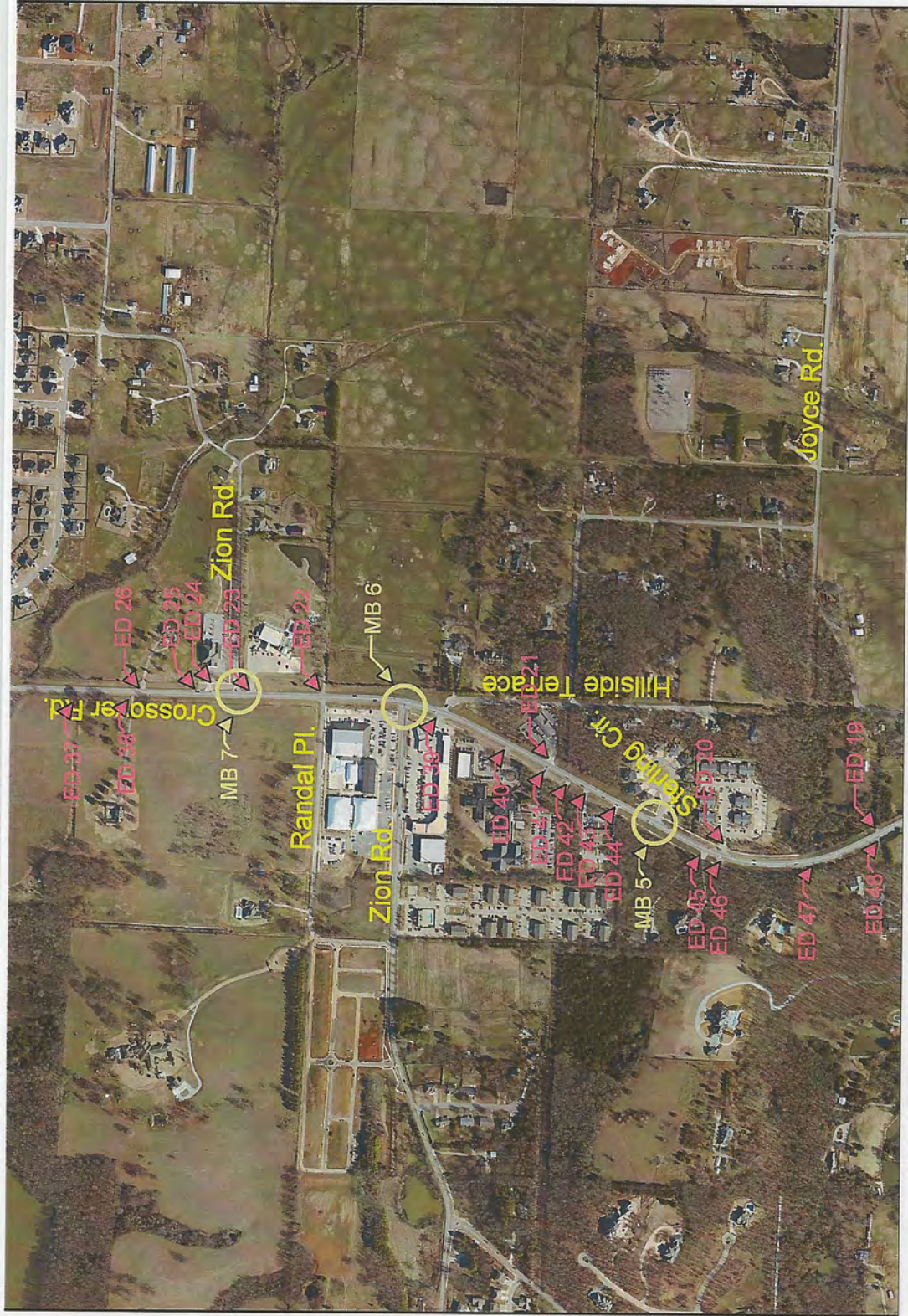
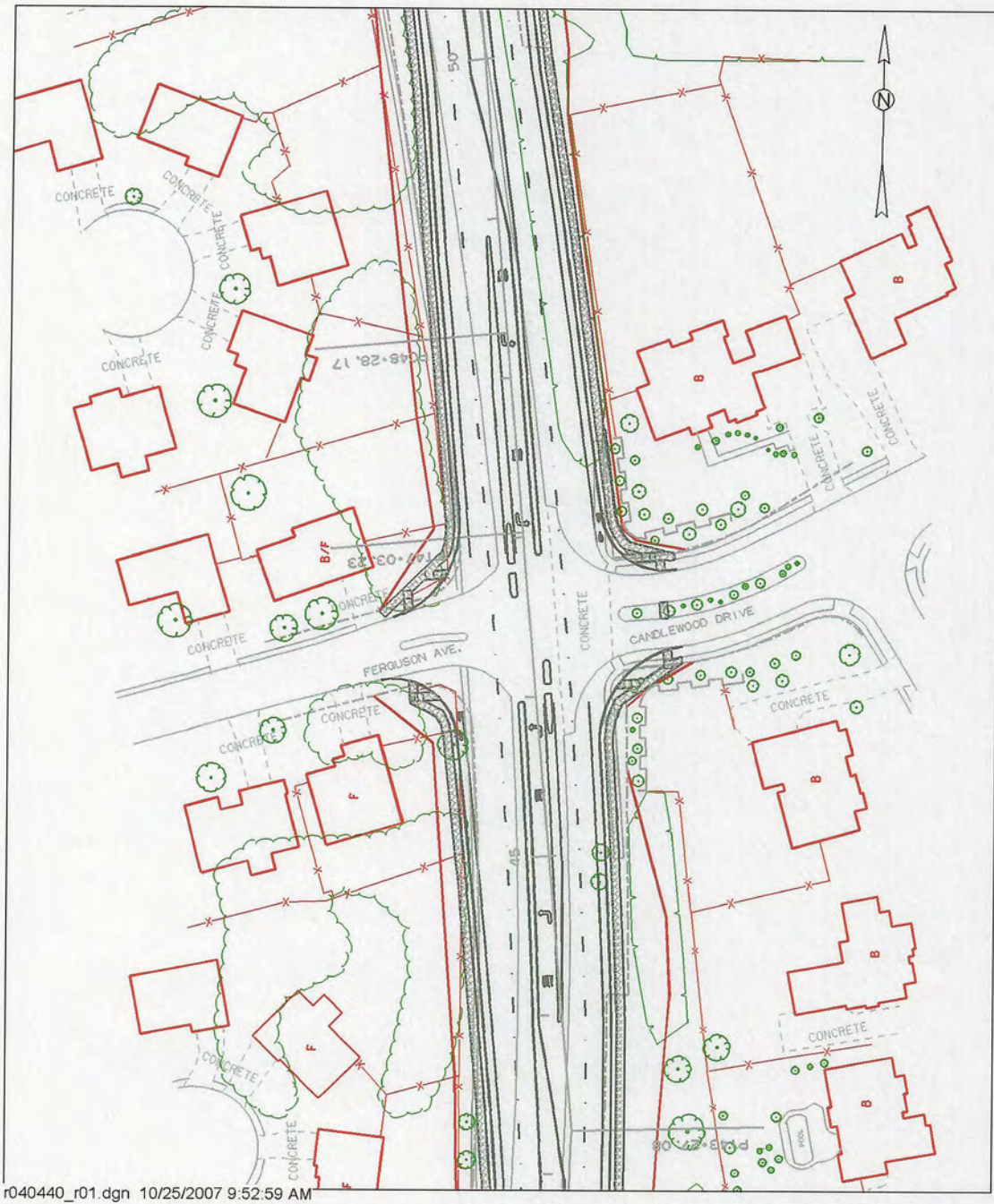


Figure 3
Highway 265 Existing Driveways - Joyce to Ivey Lane
As of March 2008

CONCEPT SPECIFICS OF EACH MEDIAN BREAK

MB #1- Ferguson Avenue/Candlewood Drive

Rationale - Proposed median break is greater than 1/4 mile from Old Wire Road to the north and Township Street to the south. Two established neighborhoods on either side of Highway 265 will be served by MB #1.

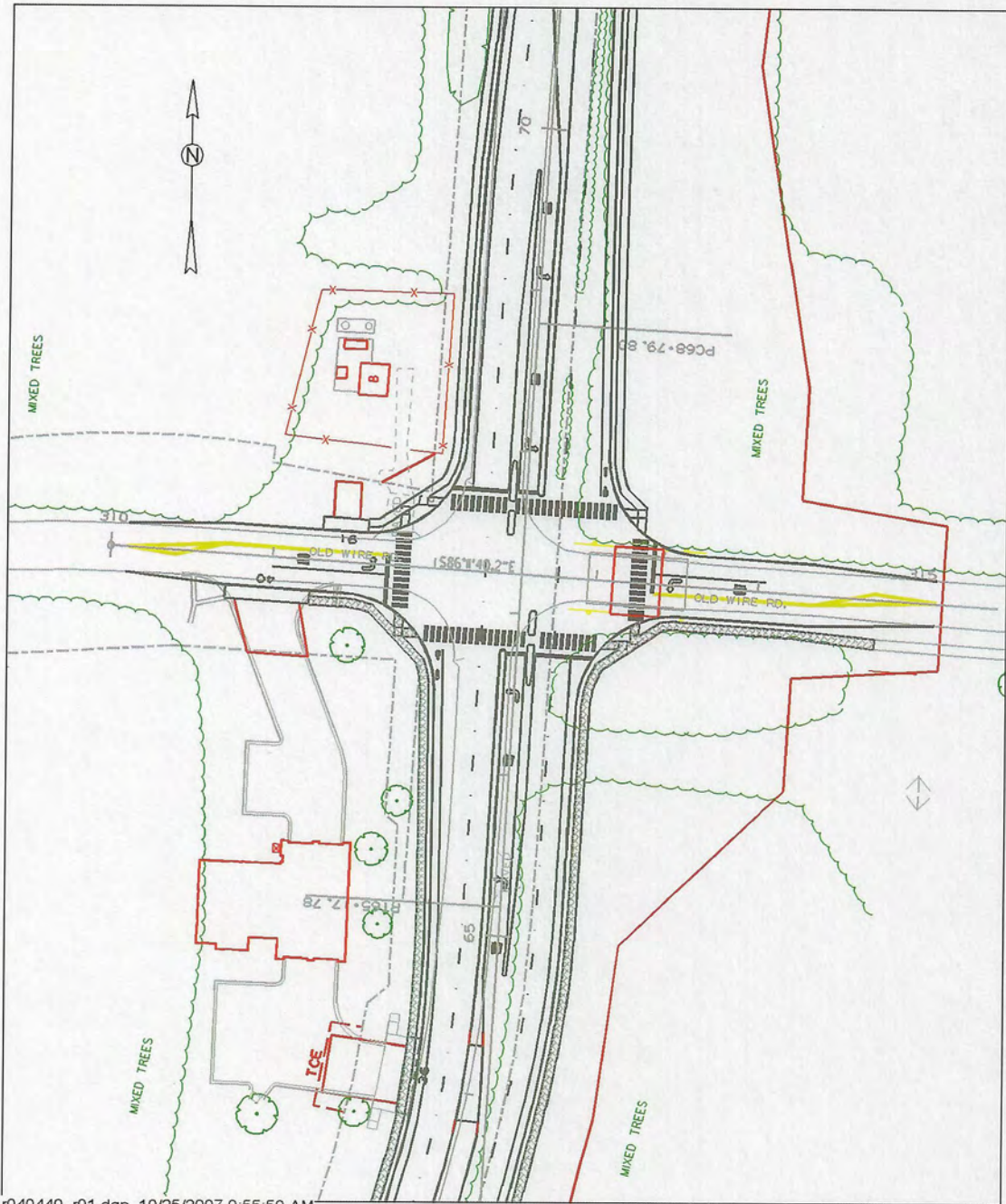


MB #1- Ferguson Avenue/Candlewood Drive

MB #2 - Old Wire Road

Rationale - Proposed median break is located at an existing signalized intersection. Old Wire Road, functionally classified as a minor arterial, serves the growing area of eastern Fayetteville and parts of Washington County. It also serves a recently built fire station (Fire Station No. 5) immediately to the west.

Conditions – Approximately 300 feet to the south of MB #2 will be a mountable curb for access to and from Fire Station No. 5. This is not to be considered a median break, but only a design allowance for emergency vehicles only.

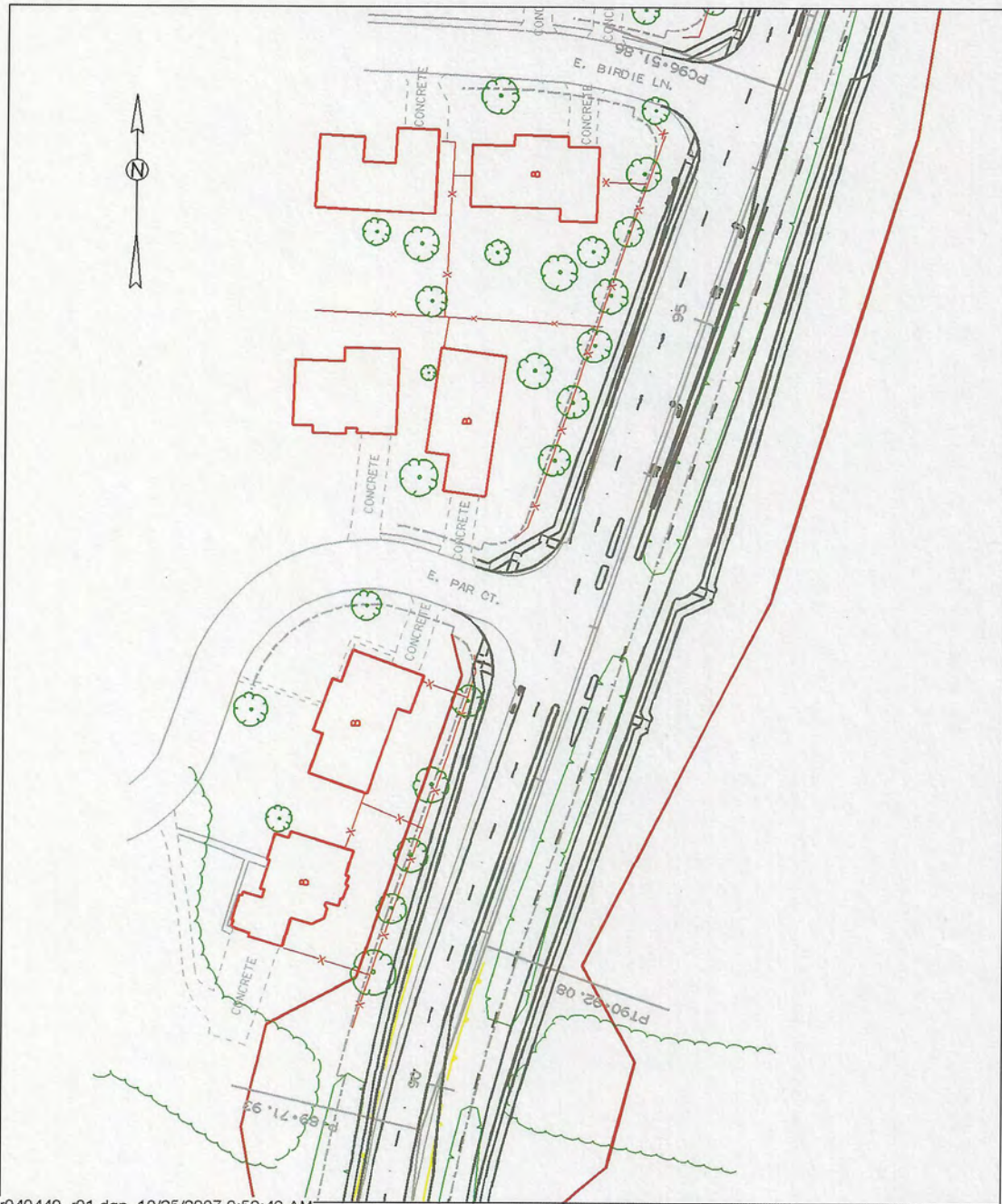


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MB #2 - Old Wire Road

MB #3 - Par Court

Rationale - Proposed median break is located at approximately 1/2 mile between Old Wire Road and Joyce Boulevard. Par Court serves an established subdivision west of Highway 265. The City of Fayetteville's Master Street Plan (MSP) extends Bridgewater Lane as a collector to the west to Highway 265 at Birdie Drive. This connection was made on the Fayetteville MSP after the May 2007 public hearing, assuming the median break was proposed at Birdie Drive. However, the access to Birdie Drive is located within a horizontal curve on Highway 265, while Par Court is not. Par Court is also directly west of Bridgewater Lane which would facilitate a smoother future connection to the east. For the above reasons, a median break is proposed at Par Court.

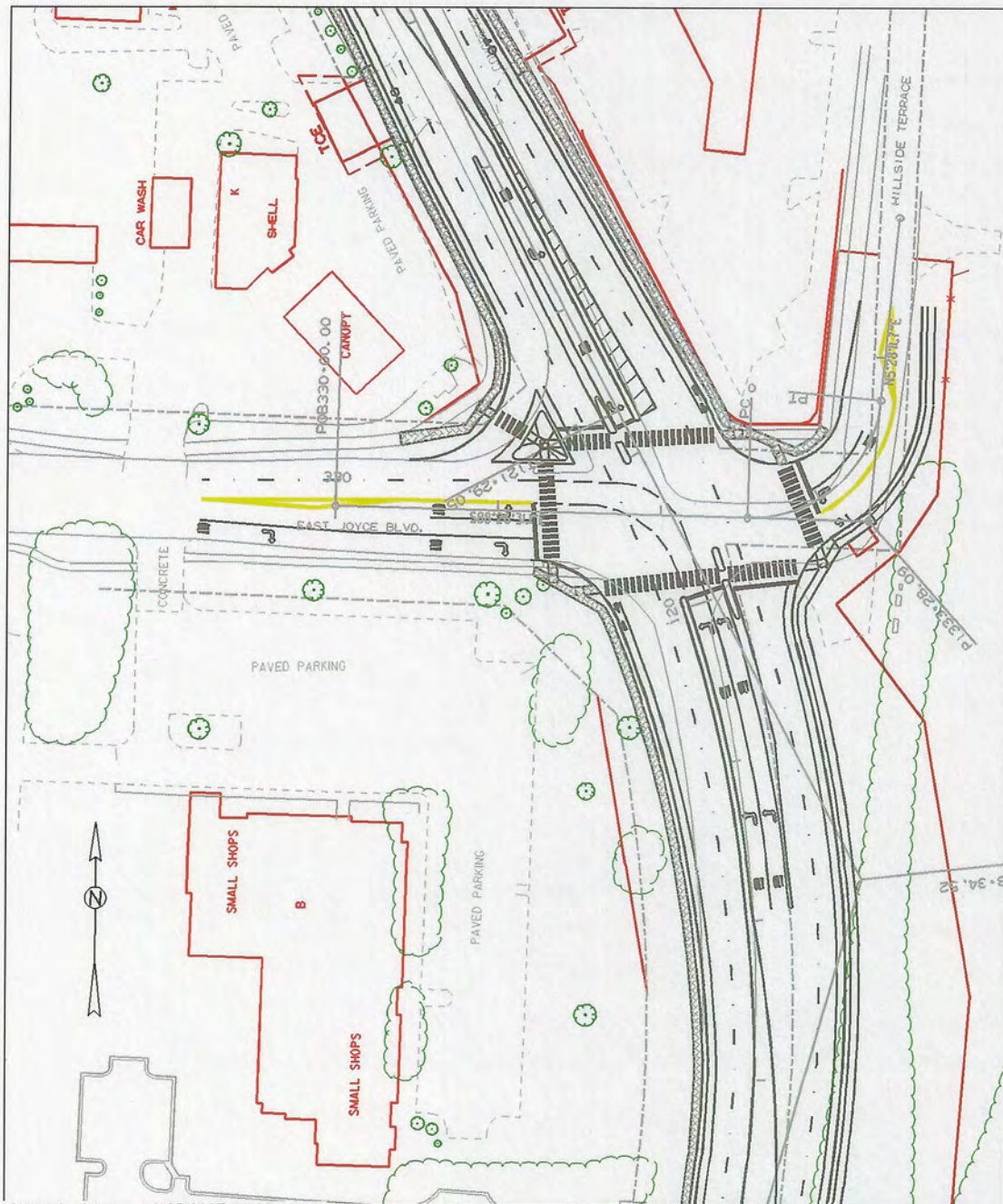


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MB #3 - Par Court

MB #4 - Joyce Boulevard

Rationale - Proposed median break is located at an existing signalized intersection. Joyce Boulevard, functionally classified as a minor arterial, serves the growing commercial and residential areas of north Fayetteville and parts of Washington County.



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MB #4 - Joyce Boulevard

MB #5 - Sterling Court

Rationale - Proposed median break is greater than 1/4 mile from West Zion Road to the north and Joyce Boulevard to the south. Sterling Court serves an established duplex subdivision east of Highway 265.

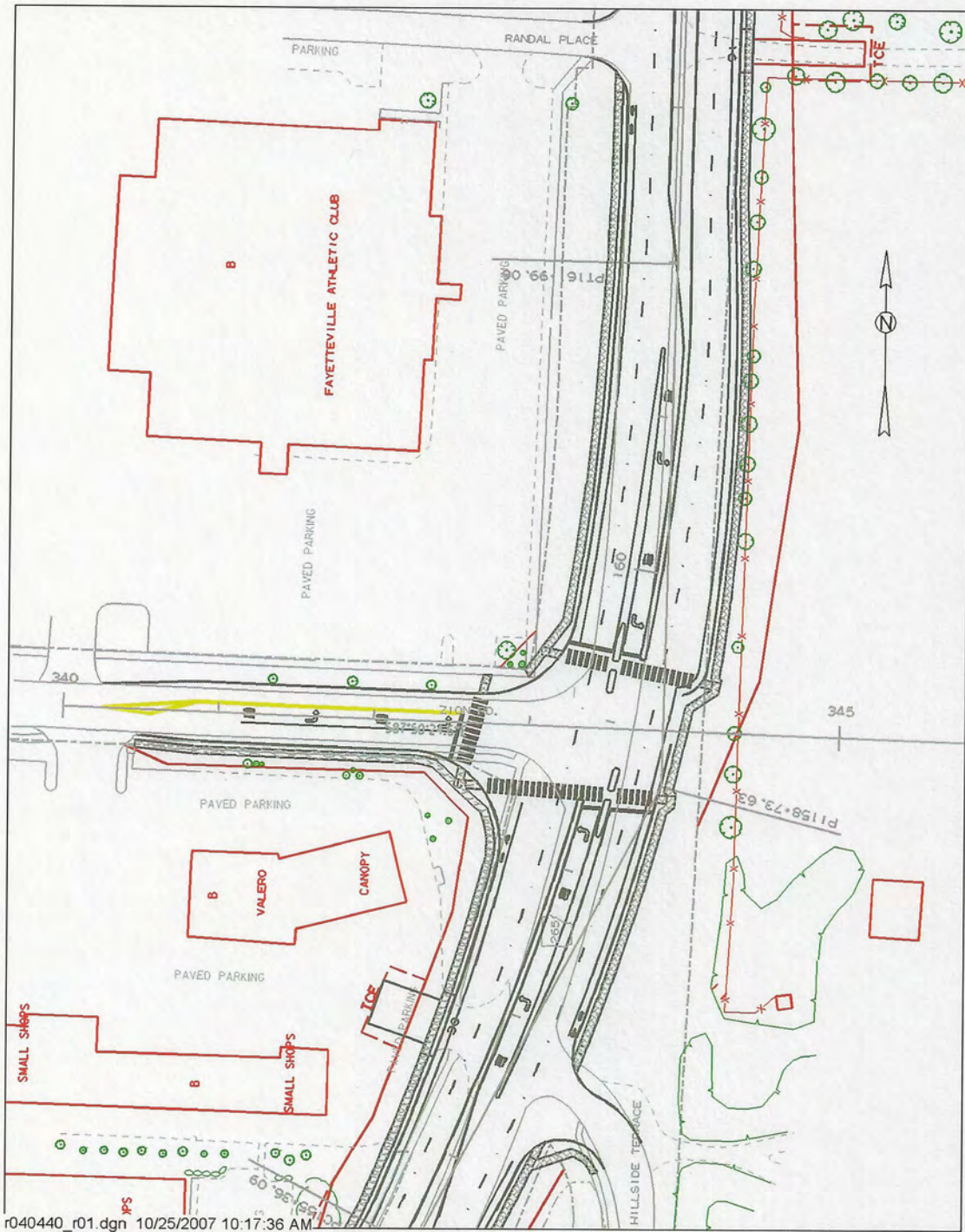


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MB #5 - Sterling Court

MB #6 - West Zion Road

Rationale - Proposed median break is located at an existing signalized intersection. West Zion Road, functionally classified as a collector, serves the growing commercial and residential areas of north Fayetteville. Fayetteville's MSP extends West Zion Road to the east as a collector.

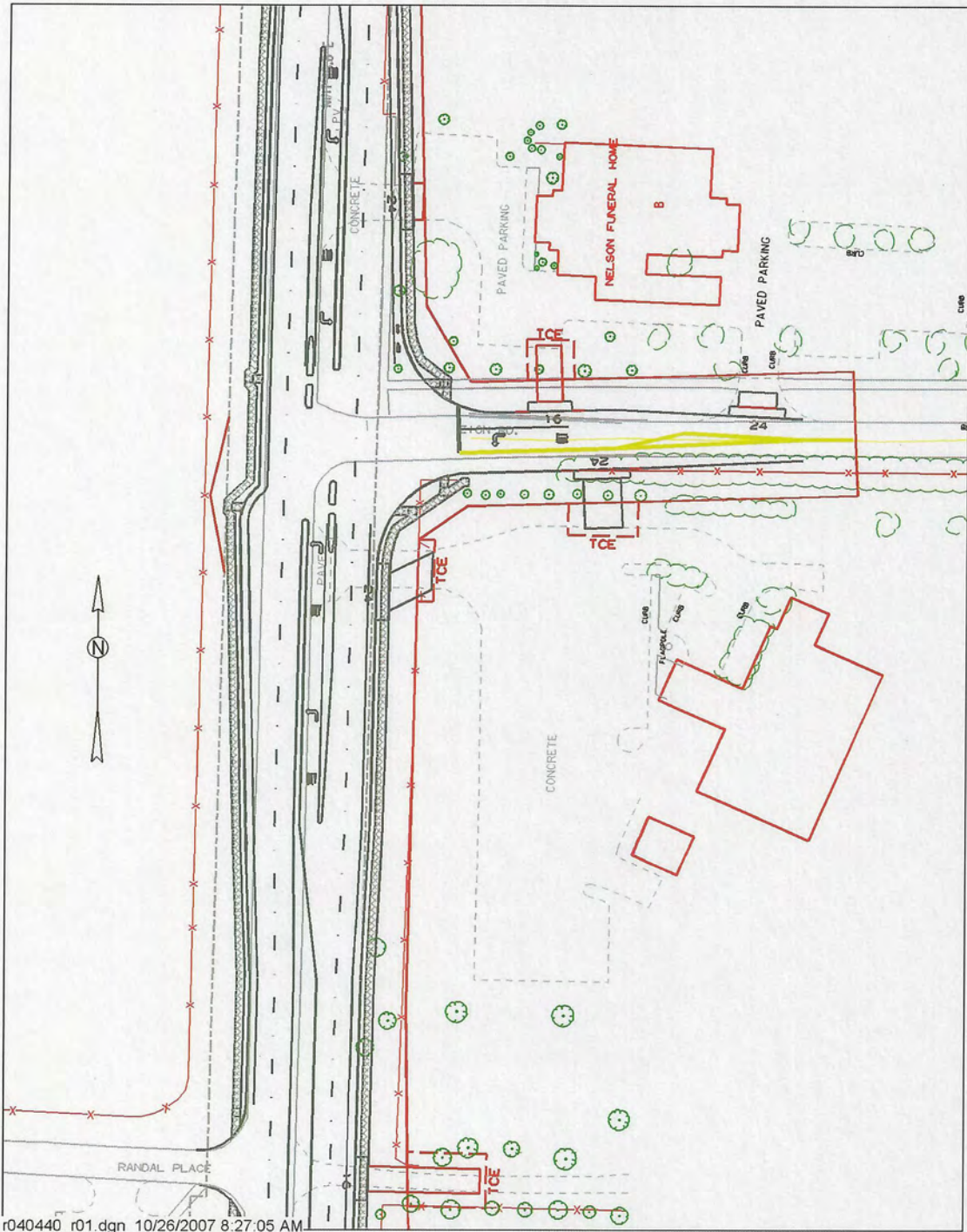


MB #6 - West Zion Road

MB #7 - East Zion Road

Rationale - Although the proposed median break is not greater than or equal to 1/4 mile from the West Zion Road median break, it is located at an existing functionally classified collector that serves the growing areas of Fayetteville and Washington County. East of Butterfield Coach Road, East Zion Road becomes Guy Terry Road, and extends to near Beaver Lake.

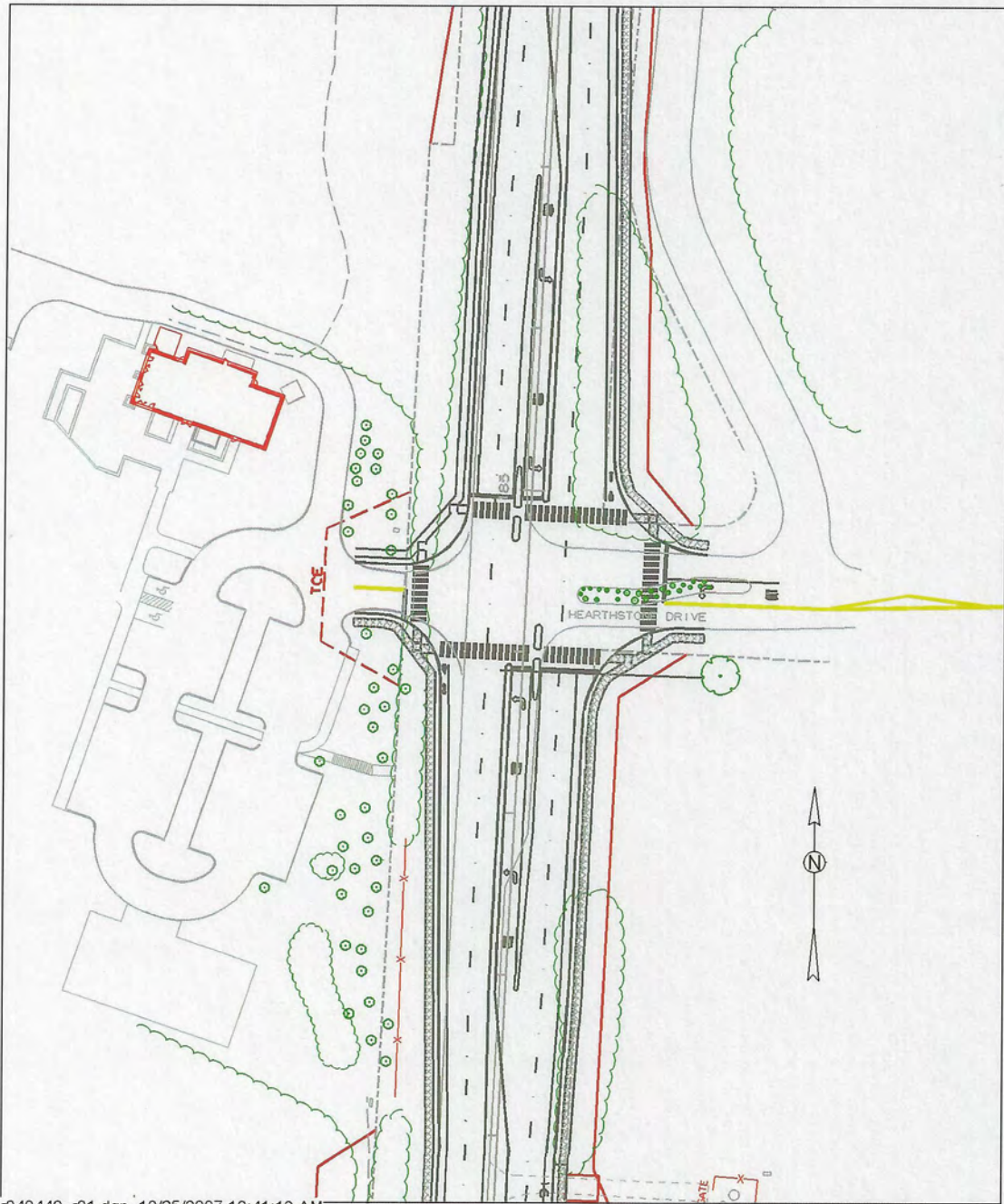
Conditions - With the construction of the median, it is proposed that the Elks Club immediately to the south of East Zion Road have direct access to East Zion Road just east of Highway 265. Also, it is proposed that the Nelson-Berna Funeral Home immediately to the north of East Zion Road have another access drive onto East Zion Road. This is because the internal layout of the business does not allow funeral processions to exit at the existing driveway onto East Zion Road. This proposed new access onto East Zion Road will allow funeral processions with destinations south of Highway 265 to gain access to the proposed median break.



MB #7 - East Zion Road

MB #8 - Hearthstone Drive

Rationale - Proposed median break is greater than 1/4 mile from Albright Road to the north and East Zion Road to the south. Hearthstone Drive serves a large subdivision to the east of Highway 265, and the Botanical Garden of the Ozarks to the west.

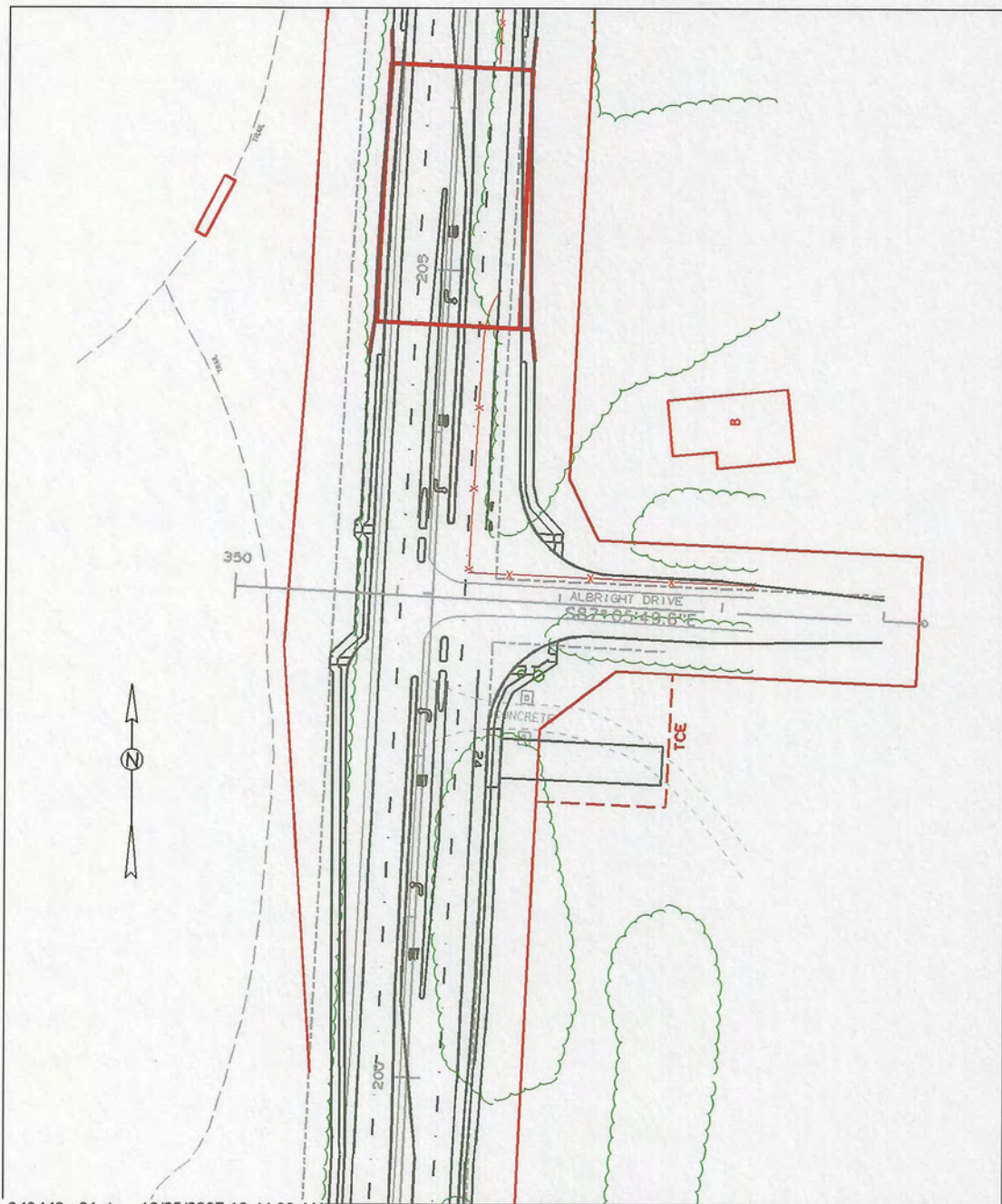


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MB #8 - Hearthstone Drive

MB #9 - Albright Road

Rationale - Proposed median break is greater than 1/2 mile from Ivey Lane to the north and greater than 1/4 mile from Hearthstone Drive to the south. Springdale's MSP extends Albright Road to the east as a collector to near Beaver Lake.



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MB #9 - Albright Road

APPENDIX B

HIGHWAY 265 ACCESS MANAGEMENT	
THE CITY OF FAYETTEVILLE	
Approves this project _____	Disapproves this project _____
Signature _____	Date _____
Title _____	
Comments _____	

NORTHWEST ARKANSAS MPO	
Approves this project _____	Disapproves this project _____
Signature _____	Date _____
Title _____	
Comments _____	

ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT	
Permit # _____	Disapproves this project _____
Signature _____	Date _____
Title _____	
Comments _____	

APPENDIX C

Resolutions/Minute Order

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Four

Page 1 of 1 Page

County: Washington

Category: Commission Policy

WHEREAS, access management is an effective tool to maintain the safe and efficient operation of roadways by preserving their ability to carry traffic; and

WHEREAS, Highway 265 is an important north-south principal arterial through Fayetteville and Northwest Arkansas; and

WHEREAS, the Department is developing plans to widen Highway 265 in the City of Fayetteville under Job 040440, Hwy. 45-City Limits (Fayetteville) P.E.; and

WHEREAS, the City of Fayetteville, the Northwest Arkansas Metropolitan Planning Organization, and the Department are cooperatively developing an access management plan for the Highway 265 corridor.

NOW THEREFORE, the Director is authorized to enter into necessary agreements to implement the access management plan for Highway 265 from Highway 45 north to the City Limits in Fayetteville.

Approved:

Carl A. Rus
Chairman

[Signature]
Vice-Chairman

[Signature]
Member

[Signature]
Member

[Signature]
Member

Submitted By:

Scott D. Bennett
Assistant Chief Engineer - Planning

Approved:

[Signature]
Director

Minute Order No.

2009 02124

Date Passed

JAN 7 2009

P&R:SP:ASB:al:12-22-08

Form 19-456
Rev. 11/02/2005

RESOLUTION NO. 34-09

A RESOLUTION ADOPTING THE ACCESS MANAGEMENT PLAN AGREEMENT AS PREPARED BY THE ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT (AHTD) FOR HIGHWAY 265 BETWEEN TOWNSHIP STREET AND IVEY LANE.

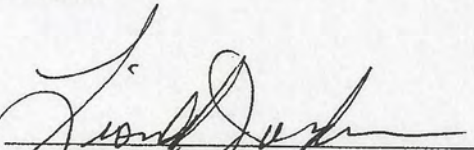
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Access Management Plan Agreement as prepared by the Arkansas Highway & Transportation Department (AHTD) for Highway 265 between Township Street and Ivey Lane.

PASSED and APPROVED this 3rd day of February, 2009.

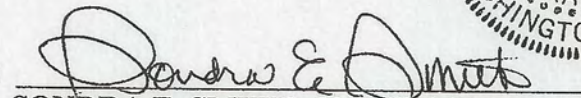
APPROVED:

By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION 2-09

A RESOLUTION REGARDING EXECUTION OF THE ACCESS MANAGEMENT PLAN AGREEMENT FOR HIGHWAY 265 IN FAYETTEVILLE

WHEREAS, State Highway 265 in Fayetteville, from Township Street to Ivey Lane, is classified as a principal arterial on both city and regional street and transportation plans, and is an integral part of the regionally significant eastern north/south corridor that connects several jurisdictions in the urbanized area; and

WHEREAS, an access management plan has been approved for the purpose of managing access to the highway; and

WHEREAS, an access management plan agreement has been prepared to insure that the provision of access to abutting properties is consistent with the objective of protecting the capacity of the roadway to carry significant local and intra-regional traffic, while increasing the safety for drivers, bicyclists, and pedestrians that use the facility; and

WHEREAS, the NWARPC, as the designated metropolitan planning organization (MPO) for Northwest Arkansas under federal transportation regulations, has been granted standing in the access management agreement for the purpose of membership in a tri-party approval process for access management plan amendments (variances), thus helping to insure that the roadway functions as intended; and

WHEREAS, it is the desire of the MPO to participate in the management of access as proposed by the City of Fayetteville and the Arkansas State Highway Commission.

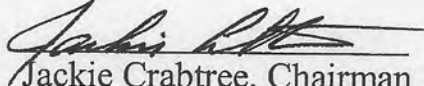
NOW, THEREFORE, BE IT RESOLVED AND ACKNOWLEDGED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION (THE MPO):

SECTION 1. That the Northwest Arkansas Regional Planning Commission (the MPO), consistent with its role in transportation planning within the metropolitan area, has agreed to participate in the approval process for amendments (variances) to the Highway 265 Access Management Plan, as outlined in the Access Management Plan Agreement for Highway 265 in Fayetteville.

SECTION 2. That the Chairman has been authorized, by unanimous vote of the Board of Directors of the Northwest Arkansas Regional Planning Commission, to execute the "Access Management Plan Agreement for Highway 265 in Fayetteville," at meeting #412R on February 25, 2009.

EXECUTED THIS 25TH DAY OF FEBRUARY, 2009.

Attest: 
Jeff Hawkins, Director


Jackie Crabtree, Chairman

APPENDIX D

Implementing Ordinances, Easements, Joint Access Agreements and Other Documents

(Developed following adoption of this agreement and subsequently attached)