



## OXFORD

PLANNING  
DEPARTMENT

### Memorandum

**To:** Mayor and Board of Aldermen  
**From:** Benjamin Requet, Senior Planner  
**Date:** February 21, 2017

**Re:** Planning Commission Case 2143  
Request for Temporary and Permanent Access Easement for Property Located at  
1615 University Avenue (PPIN #8009)

**Zoning:** (GB) General Business; (RC) Multi-Unit Residential; (NC) Neighborhood  
Conservation Overlay

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Please consider this request for a Temporary and Permanent Access Easement for property located at 1615 University Avenue. At the regular Planning Commission meeting on January 09, 2017, the Commission approved Case #2143 with conditions, a site plan for a three-story, mixed-use development consisting of the first two floors being commercial retail and the third floor contains two residential units. One of the conditions of approval required the applicant to a Temporary and Permanent Access Easement for a portion of property that is owned by the City of Oxford and is currently paved. The applicant is proposing to remove this paving in order to construct a new sidewalk, landscape the area with sod and trees and the applicant will be responsible for the maintenance of this area.

If you need additional information or have further questions, please feel free to contact the Planning Department.

STATE OF MISSISSIPPI  
COUNTY OF LAFAYETTE

**TEMPORARY AND PERMANENT ACCESS EASEMENT**

IN CONSIDERATION of the sum of One and No/100 Dollars (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor,

**City of Oxford, Mississippi**, a municipal corporation,  
107 Courthouse Square  
Oxford, MS 38655  
(662) 232-2315

does hereby grant and release to, Grantee,

**Syndicate Investments, LLC**, a Mississippi limited liability company  
P.O. Box 1041  
Oxford, MS 38655  
(662) \_\_\_\_\_

a temporary non-exclusive easement, over, on, across and through certain property of the Grantor for landscape and sidewalk construction purposes. The property and area to be improved are more fully shown on attached Exhibit "A."

It is intended by this instrument to grant a temporary non-exclusive right of access to allow for construction of a sidewalk and landscaping improvements on the right-of-way belonging to the Grantor. All such improvements shall be approved by the Grantor's Planning Department and Public Works Department before construction begins. The parties agree that, once such improvements are complete, Grantor shall own and maintain the area to be improved, **except that** the Grantee, its assigns, and successors, shall maintain any grass located in the area to be improved in perpetuity or until Grantor relieves Grantee of such obligation in writing.

The parties agree that this temporary easement will no longer be valid once construction of a sidewalk and landscape improvements are completed, or one year from the date of this instrument, whichever is sooner. However, this easement may be terminated or revoked at any time in the sole discretion of Grantor by a written revocation of Grantor filed in the land records.

Grantee shall take every effort not to disturb, damage or destroy property of the Grantor except as necessary to effectuate the above-described improvements. Grantee shall be liable for any damage caused to the property of the Grantor by virtue of Grantee's use of this easement or by Grantee's construction forces or those of its agents, employees, and assigns, in the construction, access, and repair of the construction contemplated. Grantee agrees to repair, improve or replace the property of Grantor at least to as good a condition that it was before its use of this easement, to the satisfaction of Grantor. Further, Grantee hereby indemnifies and holds the Grantor harmless to the fullest extent against any loss, damage, costs, or liability of any and all nature related to its use of this easement. These covenants shall survive the term of the easement.

WITNESS OUR SIGNATURE, this the \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF OXFORD, MISSISSIPPI**

By: \_\_\_\_\_  
George G. Patterson, Mayor

Attest:

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Ashley Atkinson, City Clerk

STATE OF MISSISSIPPI  
COUNTY OF LAFAYETTE

This day personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named, **George G. Patterson**, and **Ashley Atkinson**, who acknowledged that they are respectively the Mayor and Clerk of the **City of Oxford**, and that in such capacity for and on behalf of said municipality, and as its act and deed, signed the above and foregoing instrument, after first having been duly authorized so to do.

Given under my hand and official seal on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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NOTARY PUBLIC

My commission expires:

**SYNDICATE INVESTMENTS, LLC**

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

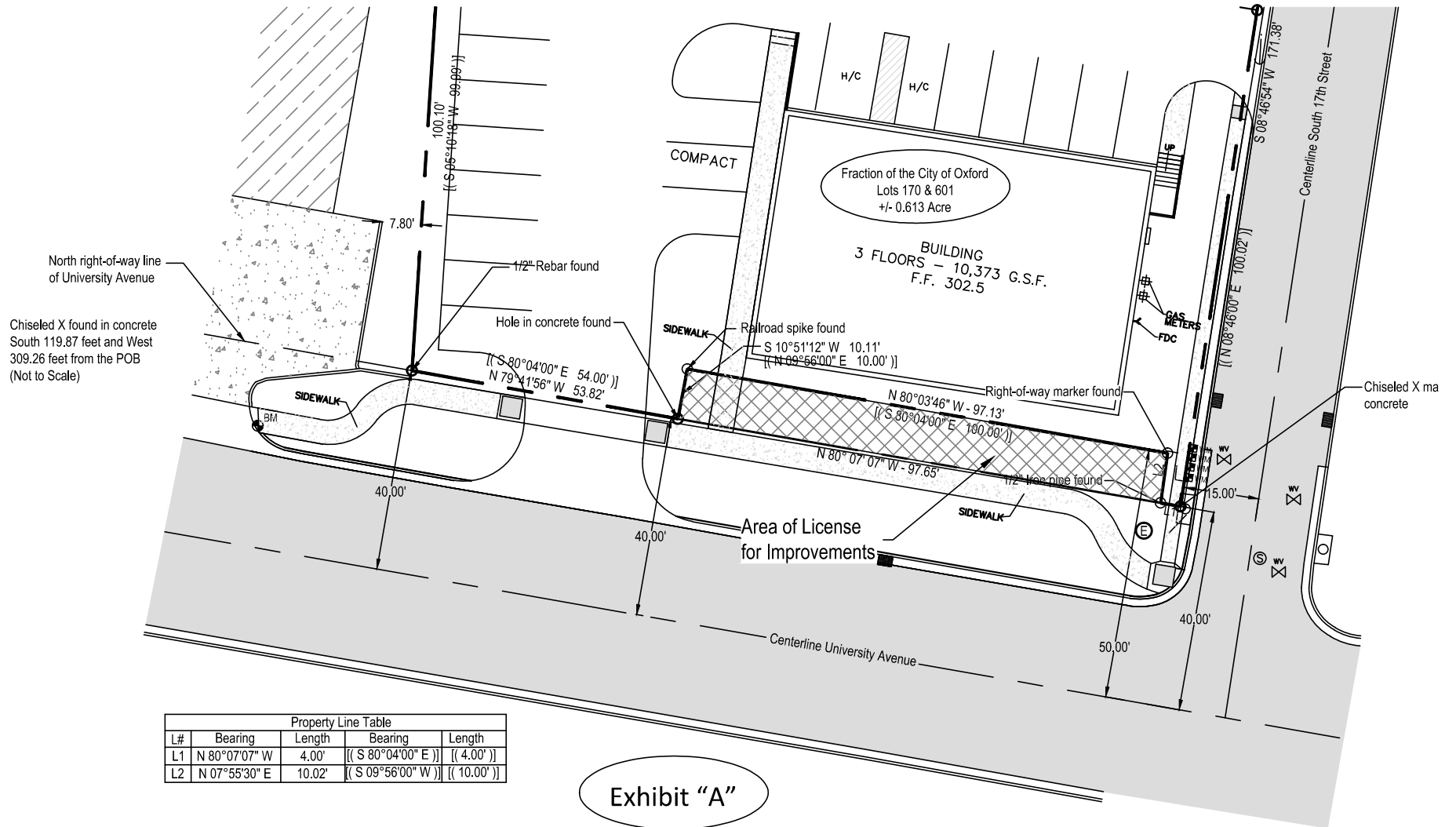
STATE OF MISSISSIPPI  
COUNTY OF LAFAYETTE

This day personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within named, \_\_\_\_\_, who acknowledged that he is the \_\_\_\_\_ of **Syndicate Investments, LLC**, and that in such capacity for and on behalf of said company, and as its act and deed, signed the above and foregoing instrument, after first having been duly authorized so to do.

Given under my hand and official seal on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:



Right-of-way

Description: A tract of land being a fraction of Lots 170 & 601 of the City of Oxford, as shown on the Official Map of the City of Oxford, on file in the Office of the Chancery Clerk of Lafayette County, Mississippi, and also being a fraction of the Northeast Quarter ( NE 1/4 ) of Section 28, Township 8 South, Range 3 West, City of Oxford, Lafayette County, Mississippi; being described in more detail as follows:

Commencing at the Concrete Monument Found Marking the Northeast Corner of Section 21, Township 8 South, Range 3 West City of Oxford, Lafayette County, Mississippi; run thence South 11° 28' 36" West for a distance of 5,677.55 feet to a chiseled x made in concrete on the West right-of-way line of South 17th Street (15.00 feet from centerline); run thence South 08° 46' 54" West along said West right-of-way line for a distance of 171.38 feet to a chiseled x made in concrete set at the intersection of said West right-of-way line of South 17th Street (15.00 feet from centerline) and the North right-of-way line of University Avenue (40.00 feet from centerline); run thence leaving said West right-of-way line and along said North right-of-way line N 80° 07' 07" W for a distance of 4.00 feet to a 1/2" iron pipe found (40.00 feet from centerline) said 1/2" iron pipe found being the Point of Beginning of this description; run thence North 80° 07' 07" West leaving said right of way and back to said right-of-way for a distance of 97.65 feet to a hole in concrete found (40.00 feet from centerline); run thence North 10° 51' 12" East for a distance of 10.11 feet to a railroad spike found (50.00 feet from centerline); run thence South 80° 03' 46" East for a distance of 97.13 feet to a right-of-way marker found (50.00 feet from centerline); run thence North 07° 55' 30" East for a distance of 10.02 feet to the Point of Beginning of the herein described tract of land. Said tract contains 0.02 acres, more or less.



# OXFORD

PLANNING  
DEPARTMENT

## Case 2143

**To:** Oxford Board of Adjustment  
**From:** Benjamin Requet, Senior Planner  
**Date:** January 09, 2017

**Applicant:** Sydicated Investment  
**Owner:** Same  
**Request:** Site Plan Approval 'O'Bryan Property'  
**Location:** 1615 University Avenue (PPIN #8009)  
**Zoning:** (GB) General Business; (RC) Multi-Unit Residential; (NC) Neighborhood Conservation Overlay

### Surrounding Zoning:

**North:** (RC) Multi-Unit Residential  
**South:** (GB) General Business  
**East:** (GB) General Business  
**West:** (GB) General Business

**Planners Comments:** The subject property is +/- .63 acres located north of University Avenue and west of South 17<sup>th</sup> Street, the site of the former CarQuest building. The former CarQuest building was recently razed resulting in a vacant lot with an aged paved surface on most of the site.

The applicant is proposing to construct a three story mixed-use building consisting of the first two floors being commercial retail and the third floor contains two residential units. The current site layout provides only one means of ingress and egress by way of University Avenue, however, the proposed site plan indicates creating an additional means of access from South 17<sup>th</sup> Street. The proposed uses require a total of thirty (30) parking spaces; the applicant is exceeding this requirement by providing forty (40) parking spaces mostly located along the side or in the rear of the building.

The applicant is proposing to install a subsurface detention structure under the parking lot to the west of the building. Like several recent mixed-use buildings the applicant is proposing the use of pervious pavers near the rear portion of the lot, which will aide with the minimizing the

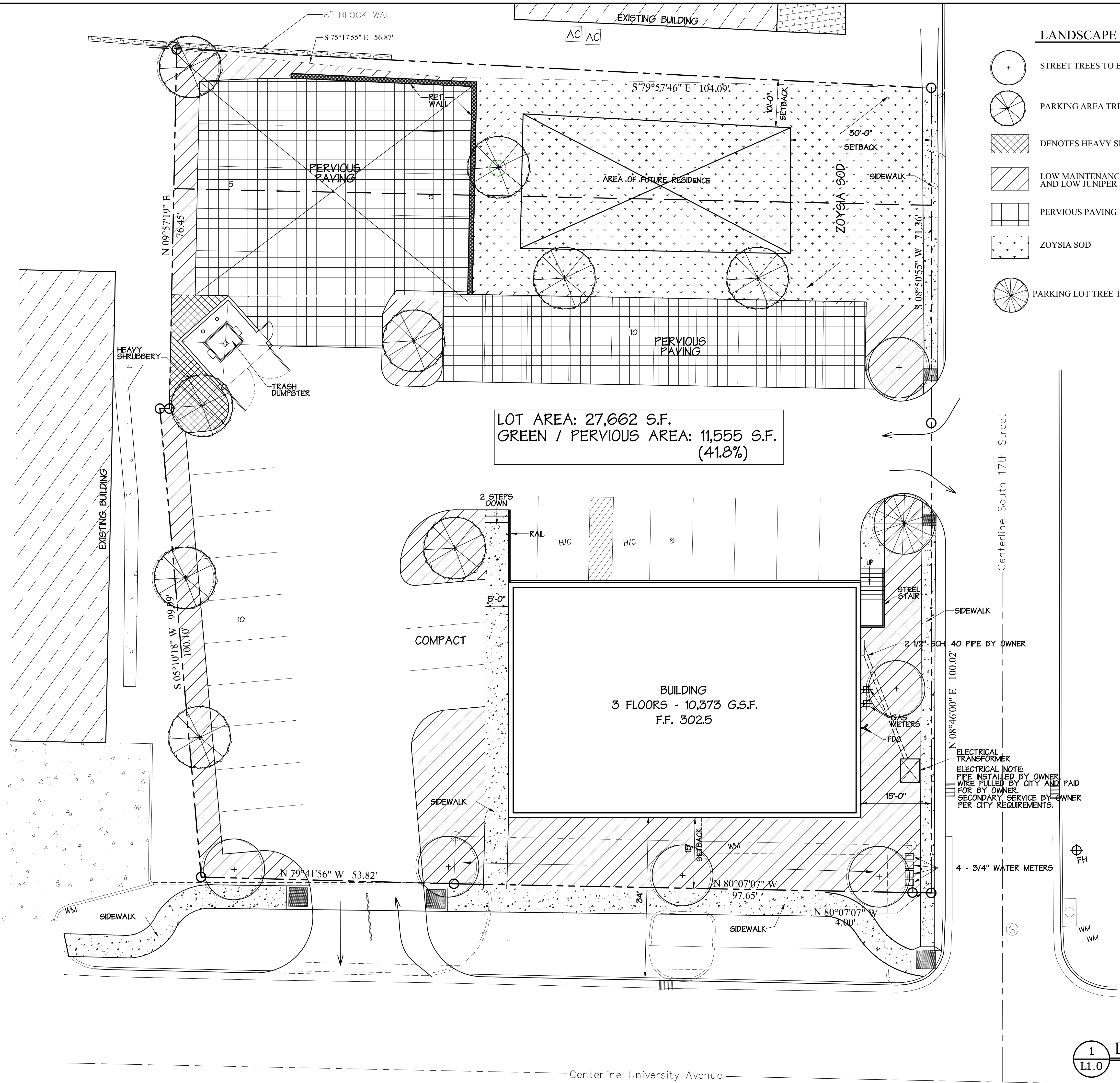
surface water runoff on the site. The proposed site plan complies with the requirements of the landscaping ordinance by indicating ten (10) parking lot trees and contains six (6) public frontage trees.

The Site Plan Review Committee has reviewed this plan on several occasions and it was approved on December 22, 2016. All revisions have been made.

**Recommendation:** Staff recommends approval of the Site Plan for 'O'Bryan Development' with the following conditions:

1. Prior to the issuance of any building permits, the applicant shall secure a temporary construction easement from the Mayor and Board of Alderman for construction on City of Oxford property.
2. The approval is for the site plan as submitted.





LOT AREA: 27,662 S.F.  
 GREEN / PERVIOUS AREA: 11,555 S.F.  
 (41.8%)

**LANDSCAPE NOTES:**

- STREET TREES TO BE 2-1/2" CALIPER PIN OAK
- PARKING AREA TREES - 2" CALIPER RED MAPLE
- DENOTES HEAVY SHRUBBERY
- LOW MAINTENANCE - COMBINATION OF MONDO GRASS AND LOW JUNIPER SHRUBS
- PERVIOUS PAVING
- ZOYSIA SOD
- PARKING LOT TREE TO BE 2-1/2" CALIPER PIN OAK

DESIGN DEVELOPMENT DOCUMENTS

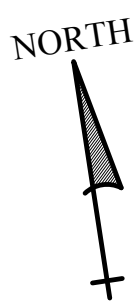
**O'BRYAN PROPERTY**

1615 UNIVERSITY AVENUE  
 OXFORD, MISSISSIPPI

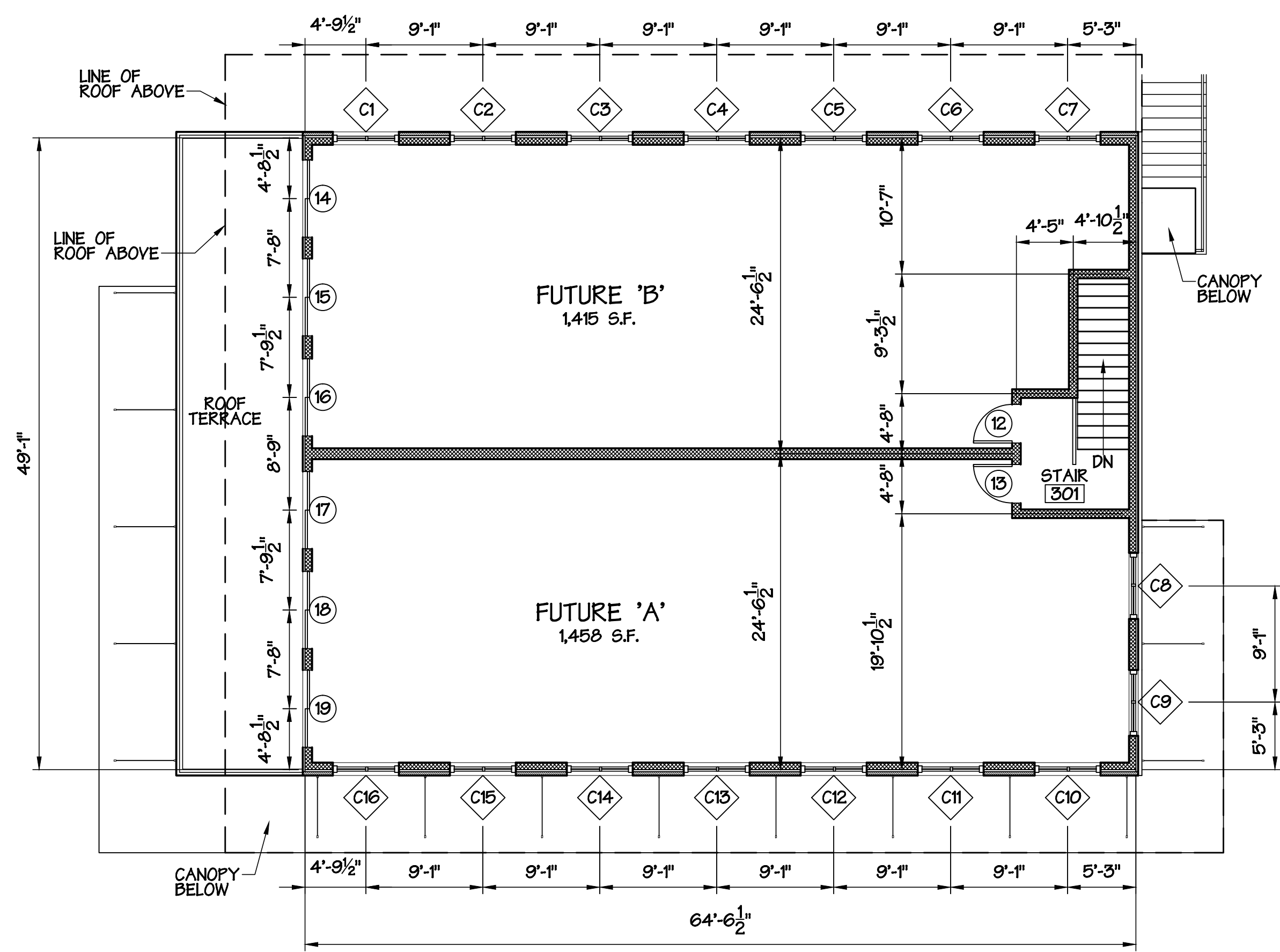
ISSUE DATE:	10 AUG. 2016
REVISION	DATE

**ALGER DESIGN STUDIO, P.A.**  
 ARCHITECTURE • PLANNING  
 1403 VAN BUREN AVE., #102, OXFORD, MISSISSIPPI 38655  
 662 232 8887 • WWW.ALMO.NET • ALMO@MINDSPRING.COM

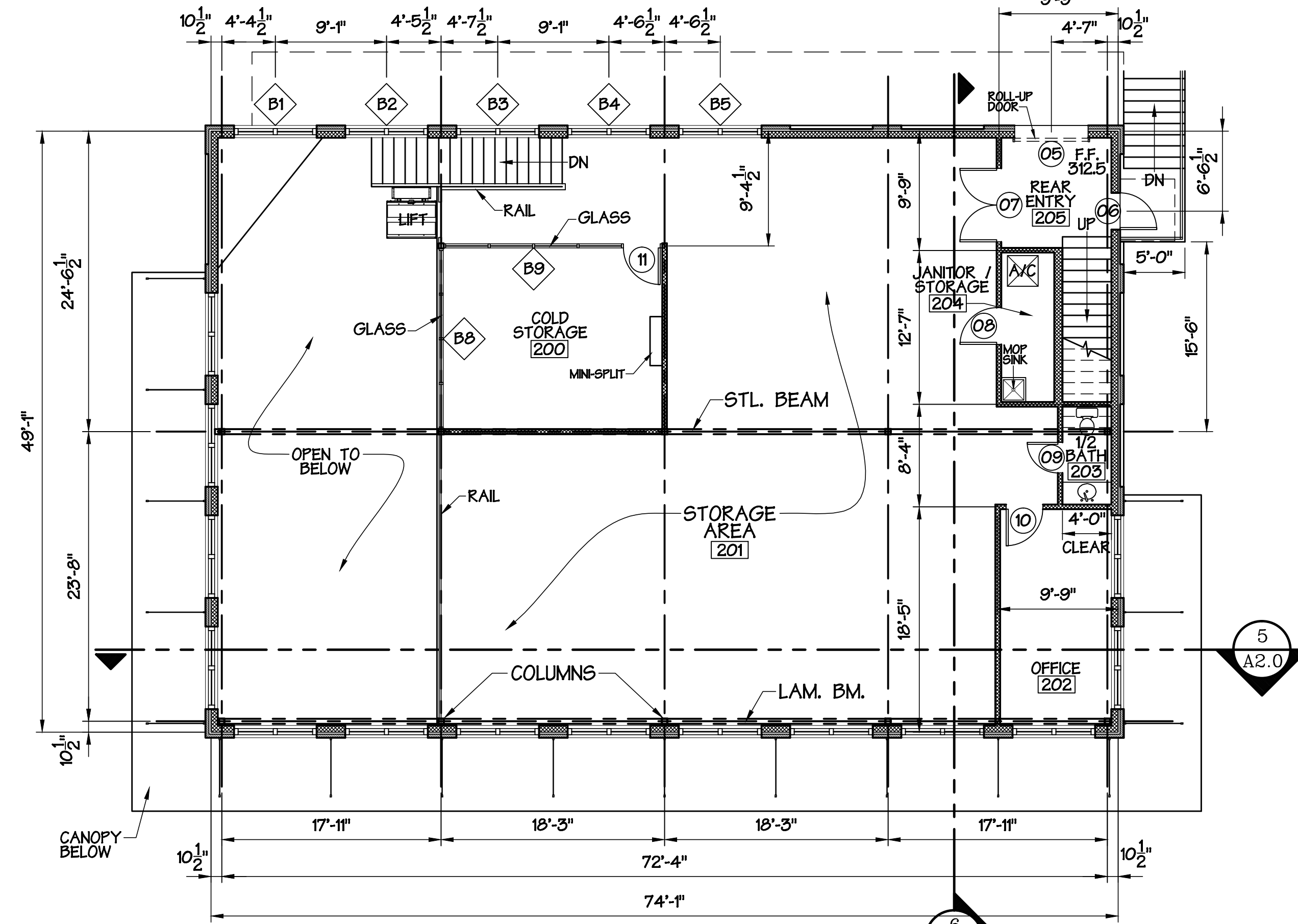
**1** LANDSCAPE PLAN  
 L1.0 SCALE: 1" = 10'



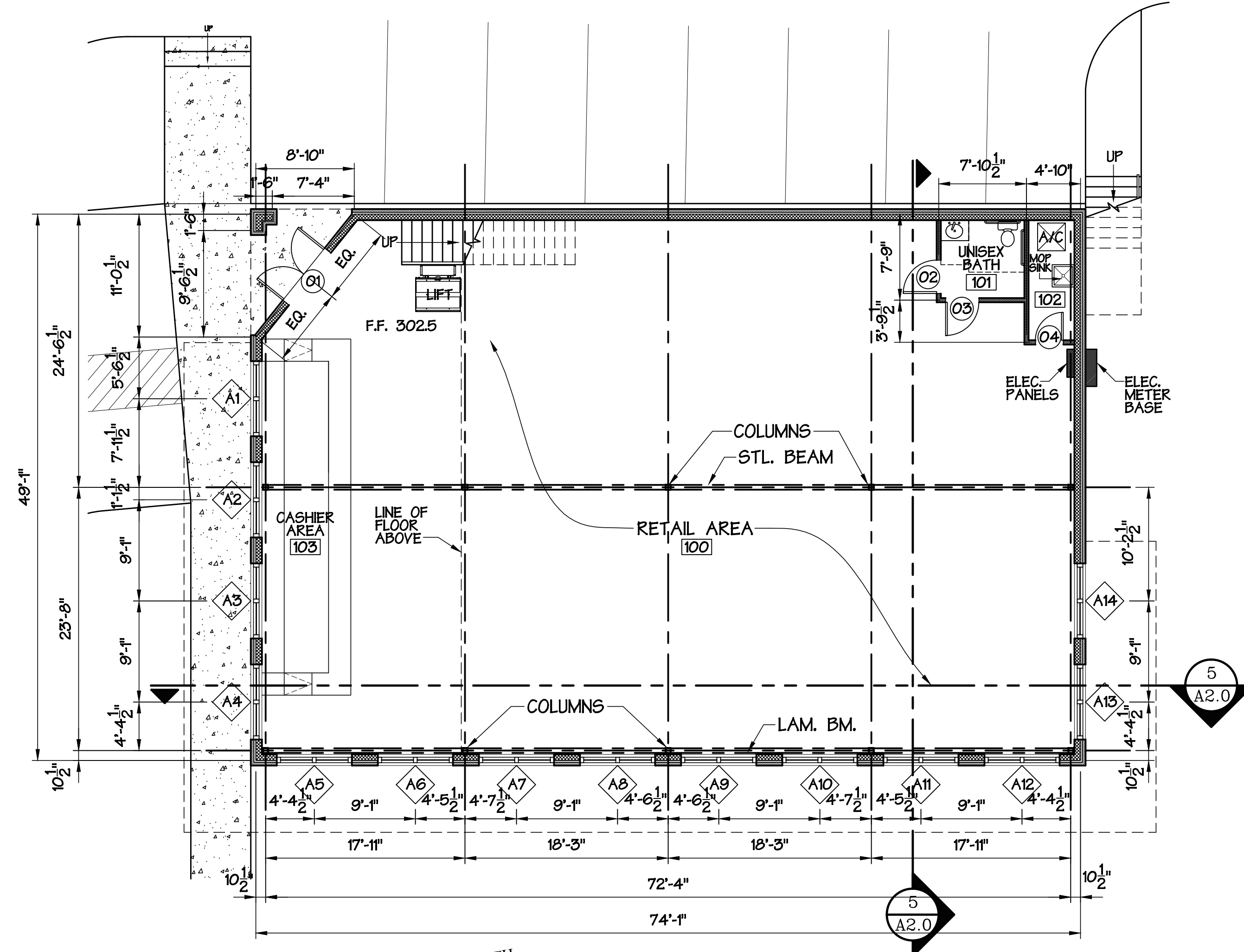




3  
A1.0 3RD FLOOR PLAN  
SCALE: 1/8" = 1'-0"



2  
A1.0 2ND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



1  
A1.0 GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

ISSUE DATE: 10 AUG. 2016	REVISION	DATE