

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE PLACEMENT OF DEED RESTRICTIONS IN THE TITLE TO CERTAIN CITY PROPERTY LOCATED AT THE NORTH LITTLE ROCK AIRPORT, FORMERLY USED AS A LANDFILL, TO COMPLY WITH ADEQ LANDFILL CLOSURE REGULATIONS; AND FOR OTHER PURPOSES.**

WHEREAS, the Solid Waste Management Division – Arkansas Department of Environmental Quality (“ADEQ”) has completed an environmental site assessment of the inactive/closed landfill site on property owned by the City of North Little Rock (“the City”) and located at the North Little Rock Airport (see map attached hereto as Exhibit “A”); and

WHEREAS, the City has complied with the landfill closure requirements of Arkansas Pollution Control and Ecology Commission Solid Waste Management Rules, Regulation 22-1301, with the exception of the subsection (j) requirement for land use restrictions on the landfill site property to prohibit all residential improvements and any other construction activity that could disturb or damage the integrity of the final cover system, liner system or any other components of the containment or monitoring system; and

WHEREAS, completion of Regulation 22-1301 requirements for closure will eliminate the need for ADEQ’s quarterly maintenance requirements of the inactive landfill at the North Little Rock Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Mayor and City Clerk are hereby authorized to execute a Permanent Land Use Restriction (substantially similar to Exhibit “A” attached hereto and incorporated herein) for Arkansas Pollution Control and Ecology Commission, Solid Waste Management Rules, Regulation 22-1301, restrictions on a certain parcel of City property located at the North Little Rock Airport, and more particularly described as follows:

A tract of land situated in Sections 1 and 2, Township 2 North, Range 12 West of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows:

Beginning at the Northwest corner of the NE ¼ of Section 2, said point being an iron pin found in the approximate center of Maryland Avenue; thence S 88° 47’ 23” E, 2,580.39 feet along the North line of Section 2 and the approximate centerline of Maryland Avenue to the Northeast corner of Section 2; thence

continuing S 88° 47' 23" E, 1,984.30 feet along the North line of Section 1 and the approximate centerline of Maryland Avenue to the Northeast corner of the W ½ of the E ½ of the NW ¼ of said Section 1; thence S 1° 23' 16" W, 2,607.06 feet along the East line of said W ½ to the Southeast corner of said W ½ and the approximate center of Kiehl Avenue; thence N 88° 00' 20" W, 660.00 feet along the South line of said W ½ and the approximate centerline of Kiehl Avenue to the Northeast corner of the NW ¼ of the SW ¼ of Section 1; thence S 2° 24' 37" W, 1,305.87 feet along the East line of said NW ¼ to the Southeast corner of said NW ¼; thence S 0° 54' 54" W, 1,328.60 feet along the East line of the SW ¼ of the SW ¼ of Section 1 to the Southeast corner of said SW ¼; thence N 88° 48' 19" W, 1,327.21 feet along the South line of said SW ¼ to the Southwest corner of said SW ¼; thence N 89° 20' 40" W, 2,647.53 feet along the South line of the SW ¼ of Section 2 to the Southwest corner of said SE ¼; thence N 87° 28' 56" W, 900.00 feet along the South line of Section 2 to a point; thence N 10° 05' 37" E, 5,298.71 feet to a point on the North line of Section 2, said point being the intersection of Batesville Pike and Maryland Avenue; thence S 89° 35' 09" E, 180.00 feet along said North line and the approximate centerline of Maryland Avenue to the point of beginning; containing 578.39 acres, more or less; subject to existing easements for public roads and utilities.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

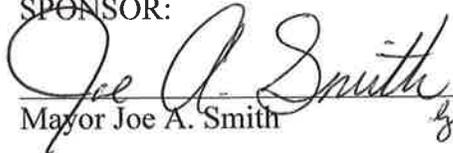
\_\_\_\_\_

\_\_\_\_\_

Mayor Joe A. Smith

SPONSOR:

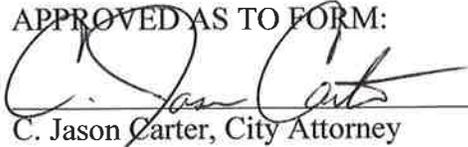
ATTEST:

  
 Mayor Joe A. Smith *JS*

\_\_\_\_\_

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

  
 C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:43</u> (A.M.)	_____ P.M.
By	<u>City Atty Jason Carter</u>	
DATE	<u>11/19/15</u>	
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>		
RECEIVED BY	<u>B. Smith</u>	

## **PERMANENT DEED RESTRICTION**

**WHEREAS**, the City of North Little Rock is the owner of a certain parcel of property located at the North Little Rock Municipal Airport, within its corporate limits and within Pulaski County, Arkansas, more particularly described as follows:

A tract of land situated in Sections 1 and 2, Township 2 North, Range 12 West of the Fifth Principal Meridian, Pulaski County, Arkansas, being more particularly described as follows:

Beginning at the Northwest corner of the NE  $\frac{1}{4}$  of Section 2, said point being an iron pin found in the approximate center of Maryland Avenue; thence S 88° 47' 23" E, 2,580.39 feet along the North line of Section 2 and the approximate centerline of Maryland Avenue to the Northeast corner of Section 2; thence continuing S 88° 47' 23" E, 1,984.30 feet along the North line of Section 1 and the approximate centerline of Maryland Avenue to the Northeast corner of the W  $\frac{1}{2}$  of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 1; thence S 1° 23' 16" W, 2,607.06 feet along the East line of said W  $\frac{1}{2}$  to the Southeast corner of said W  $\frac{1}{2}$  and the approximate center of Kiehl Avenue; thence N 88° 00' 20" W, 660.00 feet along the South line of said W  $\frac{1}{2}$  and the approximate centerline of Kiehl Avenue to the Northeast corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 1; thence S 2° 24' 37" W, 1,305.87 feet along the East line of said NW  $\frac{1}{4}$  to the Southeast corner of said NW  $\frac{1}{4}$ ; thence S 0° 54' 54" W, 1,328.60 feet along the East line of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 1 to the Southeast corner of said SW  $\frac{1}{4}$ ; thence N 88° 48' 19" W, 1,327.21 feet along the South line of said SW  $\frac{1}{4}$  to the Southwest corner of said SW  $\frac{1}{4}$ ; thence N 89° 20' 40" W, 2,647.53 feet along the South line of the SW  $\frac{1}{4}$  of Section 2 to the Southwest corner of said SE  $\frac{1}{4}$ ; thence N 87° 28' 56" W, 900.00 feet along the South line of Section 2 to a point; thence N 10° 05' 37" E, 5,298.71 feet to a point on the North line of Section 2, said point being the intersection of Batesville Pike and Maryland Avenue; thence S 89° 35' 09" E, 180.00 feet along said North line and the approximate centerline of Maryland Avenue to the point of beginning; containing 578.39 acres, more or less; subject to existing easements for public roads and utilities.

**WHEREAS**, the above-described property includes property legally permitted and formerly used as a landfill.

### **NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:**

That the City of North Little Rock, Arkansas does hereby acknowledge, and gives notice to the Public and the Arkansas Department of Pollution Control and Ecology, that pursuant to A.C.A. § 8-6-1401, et seq. it shall be unlawful for any person, partnership, company, corporation, or other entity, to build, erect, or construct any house, home or building to be used for residential purposes, upon the real property





Date: 11/9/2015

# NLR Airport - Legal Boundary





Date: 11/9/2015



 NLR Airport - Legal Boundary