

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING CERTAIN UNUSED EASEMENTS ON PROPERTY LOCATED ON MAUMELLE BOULEVARD IN THE WNLR COMMERCIAL ADDITION IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 67 of 1885 provides that cities of the first class may vacate and abandon easements not required for municipal purposes; and

WHEREAS, Mr. John Pownall of Thomas Engineering Company, 3810 Lookout Road, North Little Rock, AR 72116, has requested on behalf of the owner of certain property located on Maumelle Boulevard in the WNLR Commercial Addition of North Little Rock, that certain unused easements on the property be vacated by the City to allow vacation of the plat and returning the land to acreage (see e-mail and site map attached hereto, collectively, as Exhibit "A"); and

WHEREAS, the herein described easements, with the *exception of* a 25-foot wide utility easement along the front of the lot on Maumelle Boulevard, are not currently needed for municipal purposes (see letter from City Engineer attached hereto as Exhibit "B") and the abandonment is supported (7 affirmative votes; 1 absent) by the North Little Rock Planning Commission at a regular meeting thereof held on October 11, 2016 (see Exhibit "C" attached hereto); and

WHEREAS, there are no objections from utility companies to the vacation of the herein described easements (see approvals attached hereto, collectively, as Exhibit "D").

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

SECTION 1: That the City Council hereby vacates and abandons certain street, alley and utility easements, with the exception of a 25-foot wide utility easement along the front line, on property located on Maumelle Boulevard and described as follows:

Lot 2, WNLR Commercial Addition, being a tract of land lying in the W ½ SE ¼ of Section 4, Township 2 North, Range 13 West, City of North Little Rock, Pulaski County, Arkansas, and more particularly described as:

Beginning at the SE corner of Lot 3, WNLR Commercial Addition said point being on the Northerly right-of-way line of Maumelle Boulevard (R/W varies); thence N 15°36'34" E along the East line of said Lot 3 for 330.92 feet to the Northeast corner of said Lot 3; thence S 75°01'16" E for 99.67 feet; thence S 88°17'35" E for 15.85 feet; thence S 15°36'34" W for

341.02 feet to a curve on said Northerly right-of-way line; thence along said curve turning to the left having a radius of 2001.03 feet and having a chord bearing and distance of N 71°48'18" W for 115.17 feet to the Point of Beginning and containing 38,409 square feet, or 0.882 acres, more or less.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the City has no need for the abandoned unused easements, that abandonment of the herein described easements was properly reviewed and approved, and that the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth of this land and the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

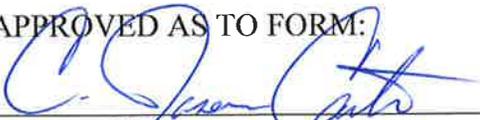
SPONSOR:

ATTEST


Alderman Steve Baxter

Diane Whitbey, City Clerk

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	11:15	A.M.	_____	P.M.
By	City Atty Carter			
DATE	12-6-16			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	S. Ussery			

From: Spencer, Shawn
Sent: Wednesday, November 30, 2016 10:45 AM
To: Henderson, Becky; Whitbey, Diane
Cc: Baxter, Steve
Subject: vacate lot 2 WNLR Addition legislation request for Dec 12th
Attachments: Approval Letter to Vacate Lot 2 of WNLR Commercial Addition.pdf; lot 2 wnlr utility clearance.pdf; WLNLR ADDITION LOT 2 PLAT VACATION-PLAT.pdf; Planning support letter.pdf

The Planning Commission voted 7 yes, 2 absent to support the vacation request at City Council. Steve Baxter will sponsor.

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Wednesday, November 30, 2016 9:15 AM
To: Baxter, Steve <SBaxter@nlr.ar.gov>
Cc: Spencer, Shawn <SSpencer@nlr.ar.gov>; Andrew Collins <Andrew@cypress-properties.com>
Subject: vacate lot 2 WNLR Addition

Steve

Here is the information regarding our request to vacate Lot 2 WNLR Addition on Maumelle Blvd. The owner had an agreement to sell this property but the buyer backed out at the last minute leaving a platted lot no longer relevant to future buyers.

This vacation of plat has been circulated to the utility companies and city engineer and they are in agreement that all easements except for one on the front 25' of the lot are not occupied by their lines. The planning commission has approved this at their meeting. We are requesting that the city council abandon the unused easements so that the owner may file the "Vacation Of Plat" and return the land to acreage.

Shawn Spencer (975-8835) has asked that you call him to acknowledge that you will sponsor this item at the council meeting.

Let me know if you have any questions.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463



Engineering Department



500 West 13th Street
North Little Rock, Arkansas 72114

Phone: (501)-371-8345
Fax: (501) 371-8348

November 18, 2016

Thomas Engineering
Attn: John Pownall
3810 Lookout Road
North Little Rock, AR 72116

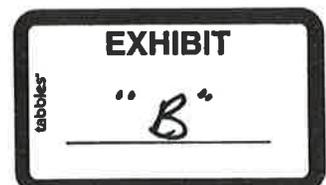
RE: Vacating Lot 2, WNLR Commercial Addition along Maumelle Blvd

Dear Mr. Pownall,
NLR City Engineering has reviewed and confirmed no lines in the 5' side easement or 10' rear easement on Lot 2 of the WNLR Commercial Addition, and therefore has no objection to these easements being abandoned.

Sincerely,

A handwritten signature in black ink that reads 'Michael Klamm'.

Michael Klamm, PE
NLR City Engineering



Spencer, Shawn

John,
The Planning Department supports the vacating of Lot 2, WNLR Addition.
The Planning Commission voted 7 yes, 2 absent to support the vacation request at City Council.

Shawn Spencer
Planning Director

Sent: Tuesday, November 15, 2016 2:36 PM
To: Shawn Spencer
Cc: Andrew Collins
Subject: FW: LOT 2 WNLR ADDITION

Shawn

The owner is requesting the City Council to vacate lot 2 and all easements except the 25' wide utility easement along the front plat of Lot 2, WNLR Commercial Addition.

I am showing the location of the water and sanitary sewer lines along Maumelle Blvd. on the attached plat where we are retaining. Please verify by email or other correspondence that city has no lines in either the 5' side easements or the 10' rear easement objection to abandoning these.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463



John Pownall

From: Fuentes, Kenneth W <kenneth.fuentes@centerpointenergy.com >
Sent: Tuesday, November 15, 2016 10:31 AM
To: john@thomasengineering2000.com
Cc: Thomas R. Pownall
Subject: RE: LOT 2 WNLR ADDITION
Attachments: WLNR ADDITION LOT 2 PLAT VACATION-PLAT.PDF

John,

We have no gas main lines in the 5' side easements or 10' rear easement on lot 2 of the attached plat you provided. We have no objection with abandoning these easements as long as the 25' utility easement in the front is retained, as is stated in the plat.

Thanks,

Kenneth W. Fuentes
Engineer I

Southern Gas Operations | Arkansas/Oklahoma Region
401 W. Capitol Ave, Suite 600 | Little Rock, AR 72201
Office: 501-377-4606 | Fax: 501-377-4733 | Mobile: 501-516-9585
kenneth.fuentes@centerpointenergy.com



From: Bates, Joni B.
Sent: Thursday, October 27, 2016 10:29 AM
To: Fuentes, Kenneth W
Cc: Thomas R. Pownall
Subject: FW: LOT 2 WNLR ADDITION

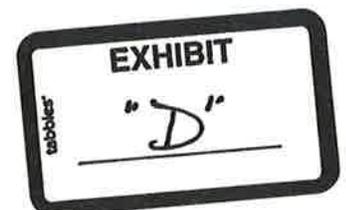
Kenneth:

Could you please address John's request.

Thanks, Joni

A handwritten signature in black ink that appears to read "Joni Bates".

Joni Bates
Marketing Coordinator
CenterPoint Energy
501-377-4558



John Pownall

From: Hill, Richard <Richard_Hill2@comcast.com>
Sent: Monday, October 31, 2016 8:19 AM
To: John Pownall
Cc: Andrew Collins
Subject: RE: LOT 2 WNLR ADDITION

Comcast has no services here

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Thursday, October 27, 2016 9:56 AM
To: Hill, Richard <Richard_Hill2@cable.comcast.com>
Cc: Andrew Collins <Andrew@cypress-properties.com>
Subject: LOT 2 WNLR ADDITION

Richard

The owner is requesting the City Council to vacate lot 2 and all easements except the 25' wide utility easement along the front of Lot 2 as shown on the attached plat of Lot 2, WNLR Commercial Addition.

I am showing the location of the water and sanitary sewer lines along Maumelle Blvd. on the attached plat.

Please verify by email or other correspondence that you have no lines in either the 5' side easements or the 10' rear easement on lot 2 and that you have no objection to abandoning these.

Thanks

John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

John Pownall

From: Scott Kerby <SKerby@nlrwu.com>
Sent: Thursday, October 27, 2016 3:23 PM
To: John Pownall
Cc: Clayton, Michael; Andrew Collins
Subject: RE: LOT 2 WNLR ADDITION

John,

I have reviewed the proposed plat and have found no sanitary sewer facilities within the easements you are requesting to vacate. Therefore, North Little Rock Wastewater has no objection to abandonment of the 5' side easements and the 10' rear easement. Feel free to contact me via phone or email with any questions or concerns.

Thanks,

Scott Kerby

North Little Rock Wastewater
7400 Baucum Pike
P.O. Box 17898
North Little Rock, Arkansas 72117-0898
(501)945-7186

SKerby@nlrwu.com



From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Thursday, October 27, 2016 9:45 AM
To: Scott Kerby
Cc: Clayton, Michael; Andrew Collins
Subject: LOT 2 WNLR ADDITION

Scott

The owner is requesting the City Council to vacate lot 2 and all easements except the 25' wide utility easement along the front of Lot 2 as shown on the attached plat of Lot 2, WNLR Commercial Addition.

I am showing the location of the water and sanitary sewer lines along Maumelle Blvd. on the attached plat.

Please verify by email or other correspondence that you have no lines in either the 5' side easements or the 10' rear easement on lot 2 and that you have no objection to abandoning these.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

John Pownall

From: GWoodward@nlr.ar.gov
Sent: Thursday, October 27, 2016 1:04 PM
To: john@thomasengineering2000.com
Cc: Andrew@cypress-properties.com
Subject: RE: LOT 2 WNLR ADDITION

John,
North Little Rock Electric does not have any utilities in this area.

Thanks,
Greg Woodward

Distribution Design Supervisor
City of North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@northlittlerock.ar.gov
Office: (501)992-4073
Fax: (501)992-4166

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Thursday, October 27, 2016 9:52 AM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>
Cc: Andrew Collins <Andrew@cypress-properties.com>
Subject: LOT 2 WNLR ADDITION

Greg

The owner is requesting the City Council to vacate lot 2 and all easements except the 25' wide utility easement along the front of Lot 2 as shown on the attached plat of Lot 2, WNLR Commercial Addition.

I am showing the location of the water and sanitary sewer lines along Maumelle Blvd. on the attached plat.

Please verify by email or other correspondence that you have no lines in either the 5' side easements or the 10' rear easement on lot 2 and that you have no objection to abandoning these.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

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John Pownall

From: Jonathan Long <Jonathan.Long@carkw.com>
Sent: Thursday, October 27, 2016 10:20 AM
To: John Pownall
Cc: Andrew Collins
Subject: RE: LOT 2 WNLR ADDITION

The only assets we have on this lot is the 8" as shown.

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Thursday, October 27, 2016 9:49 AM
To: Jonathan Long
Cc: Andrew Collins
Subject: LOT 2 WNLR ADDITION

Jonathan

The owner is requesting the City Council to vacate lot 2 and all easements except the 25' wide utility easement along the front of Lot 2 as shown on the attached plat of Lot 2, WNLR Commercial Addition.

I am showing the location of the water and sanitary sewer lines along Maumelle Blvd. on the attached plat.

Please verify by email or other correspondence that you have no lines in either the 5' side easements or the 10' rear easement on lot 2 and that you have no objection to abandoning these.

Thanks

John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463