

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING CERTAIN UNUSED EASEMENTS ON PROPERTY LOCATED AT 4101 CAMP ROBINSON ROAD 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 the Aarons Store located at 4101 Camp Robinson Road in the City of North Little Rock, that certain unused easements on the property be vacated by the City to clean up title work on the property; and

WHEREAS, Mr. Pownall has advised that prior to construction of the Aarons Store on the subject property, Allen Street (which borders the northeast line of the property) was rebuilt and the original right-of-way was abandoned by Ordinance No. 6993; however, a utility easement was retained, and at a later time the Aarons Store was constructed on the property (see letter attached hereto as Exhibit "A")

WHEREAS, the herein described unused easements are not needed for municipal purposes (see letter from City Engineer attached hereto as Exhibit "B") and the abandonment is supported by the North Little Rock Planning Department (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 unused easements on property located at 4101 Camp Robinson Road as described and shown on the site maps attached hereto, collectively, as Exhibit "E" and incorporated herein by reference.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 referenced unused easements, that the abandonment hereof has been 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

Debi Ross
Alderman Debi Ross *DR*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:45</u>	A.M.	_____	P.M.
By	<u>C. Jason Carter</u>			
DATE	<u>2/20/14</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>[Signature]</u>			



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116

(501) 753-4463

FAX (501) 753-6814

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

December 8, 2016

Mr. Joe A. Smith, Mayor
City of North Little Rock Aldermen
P.O. Box 5757
North Little Rock, AR 72119

RE: Easement Abandonment
Aarons Store
4101 Camp Robinson Road
North Little Rock, AR 72118

Dear Mayor & Aldermen:

The owner of the Aarons Store located at 4101 Camp Robinson Road is requesting to abandon a utility easement running through their property. Before the building was constructed, Allen Street was rebuilt and the original right-of-way was abandoned by Ordinance No. 6993. As is standard, the right-of-way was retained as a utility easement, however, the building was constructed over the retained easement. Because of this and to avoid any future problems, the owners are requesting to abandon the easement.

Included with this letter is the following support documentation:

1. E-mails/Letters from utility companies supporting the abandonment.
2. Survey of the property with the easement highlighted.
3. Owner's Information: STORE Master Funding VIII, LLC
8377 E. Hartford Dr. Suite 100
Scottsdale, AZ 85255
480.256.1100

We request to be placed on the earliest available City Council Agenda.

If you have any questions, please give me a call.

Sincerely,

Thomas R. Pownall, P.E.





Thomas R. Pownall

From: MKlamm@nlr.ar.gov
Sent: Monday, October 10, 2016 3:00 PM
To: thomas@thomasengineering2000.com
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson

This is to confirm that none of our utilities (storm water) are within the easement shown, and that easement abandonment is approved.



Michael Klamm, P.E., CFM®
Civil Engineer, Planning

500 W. 13th Street
N. Little Rock, AR 72114
Office: 501-371-8334
Cell: 501-813-0369
Fax: 501-371-8348

From: Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]
Sent: Monday, October 10, 2016 2:36 PM
To: Springer, Scott; Woodward, Gregory; Jason Lowder; Joni Bates; Klamm, Michael; Clayton, Michael
Subject: Easement Abandonment - Aaron's Store on Camp Robinson

Gentlemen and Ms. Bates:

Attached is a survey of the Aaron's Store on Camp Robinson in North Little Rock. Some time ago, Allen street was relocated and its ROW abandoned. Per City Ordinance, the ROW was maintained as an easement for utilities. The structure was constructed on this easement as shown on the attached survey. The owner of the property is wishing to abandon the easement to no longer encumber the property. Can you please review the survey and verify that none of your facilities are within the easement so that it may be abandoned.

The City of North Little Rock requires your written (email) approval of this abandonment. Please reply to this if you approve or disapprove.

Thank you for your consideration.

Thomas R. Pownall, P.E.
Thomas Engineering Company
501.753.4463
501.753.6814 Fax



Thomas R. Pownall

From: SSpencer@nlr.ar.gov
Sent: Thursday, December 08, 2016 2:39 PM
To: thomas@thomasengineering2000.com
Subject: RE: Aarons easement abandonment

Thomas,
Planning Department supports the abandonment of the easement.

Shawn Spencer

From: Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]
Sent: Thursday, December 08, 2016 2:34 PM
To: Spencer, Shawn <SSpencer@nlr.ar.gov>
Subject: Aarons easement abandonment

Mr. Spencer,

The owner of the Aarons store at 4101 Camp Robinson is requesting to abandon an easement that exists on their property. It was originally the ROW for Allen street and was retained as an easement. The building is constructed on the easement. Is the North Little Rock Planning Department agreeable to the this abandonment.

I have attached a map showing the site.

Thanks

Thomas R. Pownall, P.E.
Thomas Engineering Company
501.753.4463
501.753.6814 Fax
501.351.6695 Cell

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EAS

Thomas R. Pownall

From: Fuentes, Kenneth W <kenneth.fuentes@centerpointenergy.com>
Sent: Tuesday, December 06, 2016 11:01 AM
To: Thomas R. Pownall
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson
Attachments: AARONS SURVEY-SURVEY.pdf

Thomas,

I approve of the abandonment of this easement as shown on the attached survey.

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: Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]
Sent: Thursday, December 01, 2016 2:07 PM
To: Fuentes, Kenneth W
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson

EXTERNAL EMAIL

Yes. That easement will be retained.

Thomas R. Pownall, P.E.
Thomas Engineering Company
501.753.4463
501.753.6814 Fax
501.351.6695 Cell

From: Fuentes, Kenneth W [<mailto:kenneth.fuentes@centerpointenergy.com>]
Sent: Thursday, December 01, 2016 2:01 PM
To: Thomas R. Pownall
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson

Thomas,

Just for clarification, will the easement going diagonally (as I show in red below) be retained?



Sewer



NORTH LITTLE ROCK WASTEWATER UTILITY

October 25, 2016

Mr. Thomas R. Pownall, P.E.
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Arkansas 72116

RE: Easement Abandonment-Aaron's Store on Camp Robinson

Dear Mr. Pownall;

The easement proposed for abandonment at 4101 Camp Robinson Rd. contains no North Little Rock Wastewater facilities. Therefore, NLRW has no objection to the abandonment of the current easement.

Thank you for your attention and cooperation in this matter. If I can be of any further assistance, please feel free to call (501-945-7186) or email (SKerby@nlrwu.com).

Respectfully yours,

A handwritten signature in blue ink that reads 'Scott Kerby'.

Scott Kerby
North Little Rock Wastewater Utility

Thomas R. Pownall

From: Jason Lowder <Jason.Lowder@carkw.com>
Sent: Wednesday, October 12, 2016 8:20 AM
To: Thomas R. Pownall
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson

Central Arkansas Water does not oppose the requested abandonment with the exception of a 15' easement that needs to be retained along Allen St. do to existing utilities.

Jason Lowder, Engineering Technician
jason.lowder@carkw.com
501-377-1245



From: Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]
Sent: Monday, October 10, 2016 2:35 PM
To: SSpringer@nlr.ar.gov; Greg Woodward; Jason Lowder; Joni Bates; 'Michael Klamm, P.E.'; Clayton, Michael
Subject: Easement Abandonment - Aaron's Store on Camp Robinson

Gentlemen and Ms. Bates:

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Thank you for your consideration.

Thomas R. Pownall, P.E.
Thomas Engineering Company
501.753.4463
501.753.6814 Fax
501.351.6695 Cell

Thomas R. Pownall

From: GWoodward@nlr.ar.gov
Sent: Monday, October 10, 2016 2:58 PM
To: thomas@thomasengineering2000.com
Subject: RE: Easement Abandonment - Aaron's Store on Camp Robinson

Approve.

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: Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]
Sent: Monday, October 10, 2016 2:36 PM
To: Springer, Scott <SSpringer@nlr.ar.gov>; Woodward, Gregory <GWoodward@nlr.ar.gov>; Jason Lowder <Jason.Lowder@carlw.com>; Joni Bates <joni.bates@centerpointenergy.com>; Klamm, Michael <MKlamm@nlr.ar.gov>; Clayton, Michael <MClayton@nlrwu.com>
Subject: Easement Abandonment - Aaron's Store on Camp Robinson

Gentlemen and Ms. Bates:

Attached is a survey of the Aaron's Store on Camp Robinson in North Little Rock. Some time ago, Allen street was relocated and its ROW abandoned. Per City Ordinance, the ROW was maintained as an easement for utilities. The structure was constructed on this easement as shown on the attached survey. The owner of the property is wishing to abandon the easement to no longer encumber the property. Can you please review the survey and verify that none of your facilities are within the easement so that it may be abandoned.

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Thank you for your consideration.

Thomas R. Pownall, P.E.
Thomas Engineering Company
501.753.4463
501.753.6814 Fax
501.351.6695 Cell



Date: 12/12/2016

Easement to be Abandoned

