

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 9068 WHICH AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS ON CERTAIN PROPERTIES OWNED BY THE CITY OF NORTH LITTLE ROCK LOCATED SOUTH AND EAST OF THE PIKE AVENUE ROUNDABOUT; AND FOR OTHER PURPOSES.

WHEREAS, on January 25, 2016, Resolution No. 8929 was adopted by the North Little Rock City Council authorizing the purchase of certain spur track property (consisting of approximately 41,351 square feet, or 0.949 acres) located between Bishop Lindsey Avenue (a/k/a East 7th St.) and East 4th Street in the downtown corridor from the Union Pacific Railroad Company (“Union Pacific”) for approximately \$425,000.00; and

WHEREAS, the City of North Little Rock (“the City”) owns certain parcels of property located south and east of the roundabout connecting Pike Avenue, Rockwater Boulevard and Riverfront Drive (see map attached hereto as Exhibit “A”); and

WHEREAS, negotiation of terms for the spur track property sale include a Union Pacific contingency to include execution by the City of a Declaration of Restrictive Covenants on properties identified on Exhibit “A” to primarily include the following:

- Restrict excavation or disturbance of soil below a 15 foot depth without prior notification to the Arkansas Department of Environmental Quality (“ADEQ”);
- Groundwater shall not be used for any purpose, and no contact with groundwater shall be permitted without prior notification to ADEQ;
- Any buildings or occupied structures constructed or installed on the property will be constructed with a vapor barrier;
- Allow installation by Union Pacific of a sentry well system on the property at an agreed upon location; and

WHEREAS, on September 26, 2016, City Council adopted Resolution No. 9068 authorizing execution of the Declaration of Restrictive Covenants against three parcels; however, through clerical error, three parcels were omitted from the list which should have consisted of six parcels; and

WHEREAS, there is a need to correct the oversight and amend Resolution No. 9068 to include six (6) parcels of property instead of the three parcels previously named.

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

SECTION 1: That Resolution No. 9068 is hereby amended to add three additional parcels of property (Parcel Nos. 33N-268.00-023.00, 33N-268.00-024.00 and 33N-273.00-135.00), and the Mayor and City Clerk are authorized to execute a Declaration of Restrictive Covenant prohibiting groundwater use, requiring vapor barrier for any structures constructed thereon, restricting excavation and allowing installation of a sentry well system, on the six parcels of City-owned property located south and east of the roundabout connecting Pike Avenue, Rockwater Boulevard and Riverfront Drive (see map attached hereto as Exhibit "A"), and being described as follows:

Parcel No. 33N-273.00-166.00

Lots 1-3, Block 14, Giles Addition to the City of North Little Rock, Pulaski County, Arkansas.

Parcel No. 33N-273.00-167.00

Lots 4-6, Block 14, Giles Addition to the City of North Little Rock, Pulaski County, Arkansas.

Parcel No. 33N-273.00-175.00

Lots 1-8, Block 15, Giles Addition to the City of North Little Rock, Pulaski County, Arkansas.

Parcel No. 33N-268.00-023.00

Pt SW $\frac{1}{4}$ beginning at intersection of E Ln of Pike Avenue and N Ln of 4th Street; N 15° E on Pike Avenue, S 65.33' S 20° E on Cv 64.7' S 56° E 216.7' to Pike Avenue N 62° W 250' to beginning inters S Ln of 4th St. and E line of Pike Avenue S 62° W on Cv 94.04 feet to Pike Avenue N 15° E 100.66' to beginning.

Parcel No. 33N-268.00-024.00

Pt SW $\frac{1}{4}$ S of 4th Street, E of Pike Avenue and W of MOP R/W; commence at the intersection of S Ln 4th St. and W Ln MOP R/W; thence S 26° W on R/W 55' to Point of Beginning; thence N 56° W 322.7' N 62° W 75.06' S 66° W 97.04' to East R/W Pike Avenue; thence S 15° W 315.34' in the City of North Little Rock, Pulaski County, AR.

Parcel No. 33N-273.00-135.00

Lots 1-6, Block 11, Giles Addition to the City of North Little Rock, less and accept .168 acres, more or less, for road right-of-way per deed 2011-064618.

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

SECTION 3: 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:

Joe A. Smith

Mayor Joe A. Smith

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

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| FILED | <u>11:45</u> | A.M. | _____ | P.M. |
| By | <u><i>Jason Carter</i></u> | | | |
| DATE | <u>12/20/14</u> | | | |
| Diane Whitbey, City Clerk & Collector North Little Rock, Arkansas | | | | |
| RECEIVED BY | <u><i>Diane Whitbey</i></u> | | | |

