R-15-84

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN PIPELINE COMPANY, L.P. TO ALLOW CONSTRUCTION OF A GASOLINE PIPELINE UNDER A PORTION OF TEXOMA AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, Magellan Pipeline Company, L. P. (hereinafter "Magellan") desires to install a 12" pipeline that will transport refined petroleum products under land in the area of Texoma Avenue in the City of North Little Rock, Arkansas ("the City"); and

WHEREAS, Magellan's pipeline will cross under portions of Texoma Avenue, property owned by the City, and specifically under a portion of Texoma Avenue, property owned by and situated in the City of North Little Rock, Arkansas ("the City"); and

WHEREAS, it is necessary for the City to grant Magellan an easement to locate the gas pipeline through the City's Property as described in the proposed Grant of Easement and Right Of Way attached hereto as Exhibit "A"; and

WHEREAS, Magellan has offered to pay a fair market value of $4,860.00 for the permanent easement and right of way, and it is in the best interests of the City and its residents to accept the offer (*see* Exhibit "B" attached hereto).

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 Grant of Easement and Right Of Way (substantially similar to Exhibit "A" attached hereto), and accept the sum of $4,860.00, to allow Magellan to build its gas pipeline under a portion of Texoma Avenue, said easement being more particularly described as follows:

> The permanent easement and right of way shall be a strip of land ten feet (10') in width commencing on the southerly side of the right of way of Texoma Avenue and extending in a northernly direction N 01° 34' 54" W for a distance of fifty-four feet (54'), more or less, to the northwesterly right of way of said Texoma Avenue. (See engineering descriptive drawing and photograph attached hereto, respectively, as Exhibits "C" and "D".

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:

Joe A. Smith

Mayor Joe A. Smith by DM

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter

C. Jason Carter, City Attorney by DM

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:05 A.M. _____ P.M.

By Asst. City Atty McFadden

DATE 6-16-15

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY J. Marshall

EXHIBIT
"A"

Prepared By:

R. Steven Horn
Attorney At Law
P. O. Box 22186
Tulsa, OK 74121-2186
(918) 574-7939

GRANT OF EASEMENT AND RIGHT OF WAY

THE STATE OF ARKANSAS

COUNTY OF PULASKI

FOR AND IN CONSIDERATION OF THE SUM OF FOUR THOUSAND EIGHT HUNDRED SIXTY AND 00/100's DOLLARS ($4,860.00) TO US IN HAND PAID, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE UNDERSIGNED GRANTOR, **THE CITY OF NORTH LITTLE ROCK,** WHOSE ADDRESS IS **300 MAIN STREET, NORTH LITTLE ROCK, ARKANSAS 72114,** DOES HEREBY GRANT, BARGAIN, SELL AND CONVEY TO **MAGELLAN PIPELINE COMPANY, L.P**, A DELAWARE LIMITED PARTNERSHIP, ITS SUCCESSORS, OR ASSIGNS ("GRANTEE"), TO HAVE AND TO HOLD, A PERPETUAL EASEMENT AND RIGHT OF WAY TO LAY, MAINTAIN, ALTER, REPAIR, OPERATE, REPLACE, CHANGE THE SIZE OF AND REMOVE PIPE, PIPELINES AND OTHER EQUIPMENT AND MATERIALS DEEMED NECESSARY BY GRANTEE FOR THE TRANSPORTATION OF OIL OR GAS, OR PRODUCTS OF OIL OR GAS WITHIN SAID EASEMENT AND RIGHT OF WAY, ON, OVER AND THROUGH CERTAIN LANDS SITUATED IN COUNTY OF **PULASKI,** STATE OF ARKANSAS, DESCRIBED AS FOLLOWS:

EASEMENT DESCRIPTION – The permanent easement and right of way shall be a strip of land ten feet (10') in width commencing on the southerly side of the right of way of Texoma Avenue and extending in a northernly direction N 01° 34' 54" W for a distance of fifty-four feet (54'), more or less, to the northwesterly right of way of said Texoma Avenue.

MORE PARTICULARLY SHOWN ON THE ATTACHED "EXHIBIT A"

NO STRUCTURES MAY BE BUILT ON THE EASEMENT AND RIGHT OF WAY OR OTHERWISE INTERFERE WITH THE RIGHTS PROVIDED GRANTEE HEREIN

THE EASEMENT AND RIGHT OF WAY SHALL ALSO INCLUDE THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, AS NECESSARY ACROSS OTHER LANDS OF GRANTOR. GRANTOR, AND ALL HEIRS, SUCCESSORS OR ASSIGNS COVENANT, WARRANT AND REPRESENT THAT GRANTEE SHALL HAVE THE RIGHT TO FULLY USE AND ENJOY THE EASEMENT AND RIGHT OF WAY GRANTED HEREIN.

THE EASEMENT AND RIGHT OF WAY SHALL (A) TOUCH, CONCERN, ENCUMBER AND RUN WITH THE LANDS DESCRIBED ABOVE, (B) BIND GRANTOR AND ALL HEIRS, SUCCESSORS AND ASSIGNS OF GRANTOR, AND (C) BE ENFORCEABLE BY GRANTEE, ITS SUCCESSORS AND ASSIGNS.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS,

THIS _____ DAY OF _____, 2015.

Magellan Pipeline Company, L. P.

_____
Printed Name:

Its:_____

The City of North Little Rock

By_____
Joe A. Smith, Mayor

By: _____

Diane Whitby, City Clerk

ACKNOWLEDGMENT

THE STATE OF ARKANSAS

COUNTY OF PULASKI

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED AND ACTING, WITHIN AND FOR SAID COUNTY AND STATE, APPEARED IN PERSON THE WITHIN NAMED JOE A. SMITH AND DIANE WHITBEY TO ME PERSONALLY WELL KNOWN, AND THEY WERE DULY AUTHORIZED IN THEIR RESPECTIVE CAPACITY TO EXECUTE THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY HAD SO SIGNED, EXECUTED AND DELIVERED SAID FOREGOING INSTRUMENT FOR THE CONSIDERATION, USES AND PURPOSES THEREIN MENTIONED AND SET FORTH.

WITNESS MY HAND AND SEAL AS SUCH NOTARY PUBLIC ON THIS _____ DAY OF _____, 2015.

_____
NOTARY PUBLIC IN AND FOR SAID PULASKI COUNTY, ARKANSAS

MY COMMISSION EXPIRES:

_____

THE STATE OF OKLAHOMA

COUNTY OF TULSA

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED AND ACTING, WITHIN AND FOR SAID COUNTY AND STATE, APPEARED IN PERSON THE WITHIN NAMED STEVE HORN TO ME PERSONALLY WELL KNOWN, AND THEY WERE DULY AUTHORIZED IN THEIR RESPECTIVE CAPACITY TO EXECUTE THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY HAD SO SIGNED, EXECUTED AND DELIVERED SAID FOREGOING INSTRUMENT FOR THE CONSIDERATION, USES AND PURPOSES THEREIN MENTIONED AND SET FORTH.

WITNESS MY HAND AND SEAL AS SUCH NOTARY PUBLIC ON THIS _____ DAY OF _____, 2015.

_____
NOTARY PUBLIC IN AND FOR SAID TULSA COUNTY, OKLAHOMA

MY COMMISSION EXPIRES:

_____

Hatch Mott MacDonald
2796 South 2nd, Suite E
Cabot, Arkansas 72023

www.hatchmott.com

Hatch Mott MacDonald

EXHIBIT "B"

June 12, 2015

City of North Little Rock
300 Main St.
North Little Rock, AR 72114
Attn: Mike Smith, City Engineer

RE: City of North Little Rock Easements
6601-PU-72-MR – Texoma Ave. - **$4,860.00** (54' X 10' wide X $9.00 sq. ft)
6601-PU-75-MR – Texoma Ave. - **$6,750.00** (75' X 10' wide X $9.00 sq. ft)
6601-PU-77-MR- Lynch Dr. - **$7,830.00** (87' X 10' wide X $9.00 sq. ft)

Dear Mr. Smith:

As has been instructed by the office of the City Engineer, we are submitting this letter to the City of North Little Rock to initiate the process for review and approval of the Right-of-Way / Easements for the three (3) roads that will be crossed by Magellan Pipeline Company, L.P.'s ("Magellan") twelve inch (12") pipeline.

In this respect, please find enclosed the following:
Three (3) Grant of Easement and Right of Way Agreements
The checks for the three (3) Grant of Easement and Right of Away Agreements
The road permit drawings for the three (3) roads to be crossed in the City of North Little Rock.

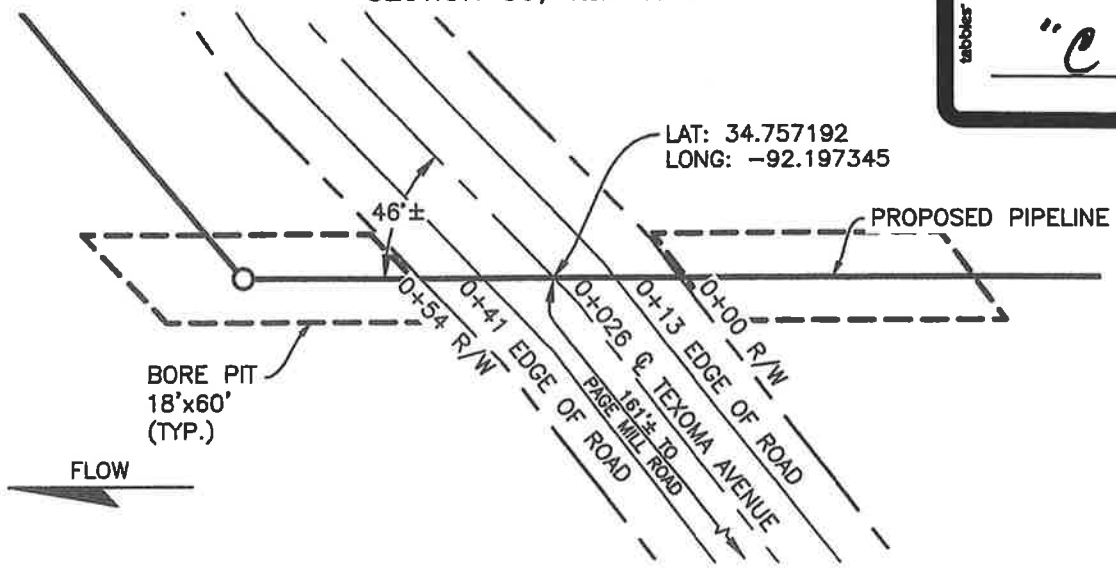
Should you have any questions or concerns about the enclosed road crossing permit applications or have further questions, please contact me at (479) 970-8590.

Sincerely,

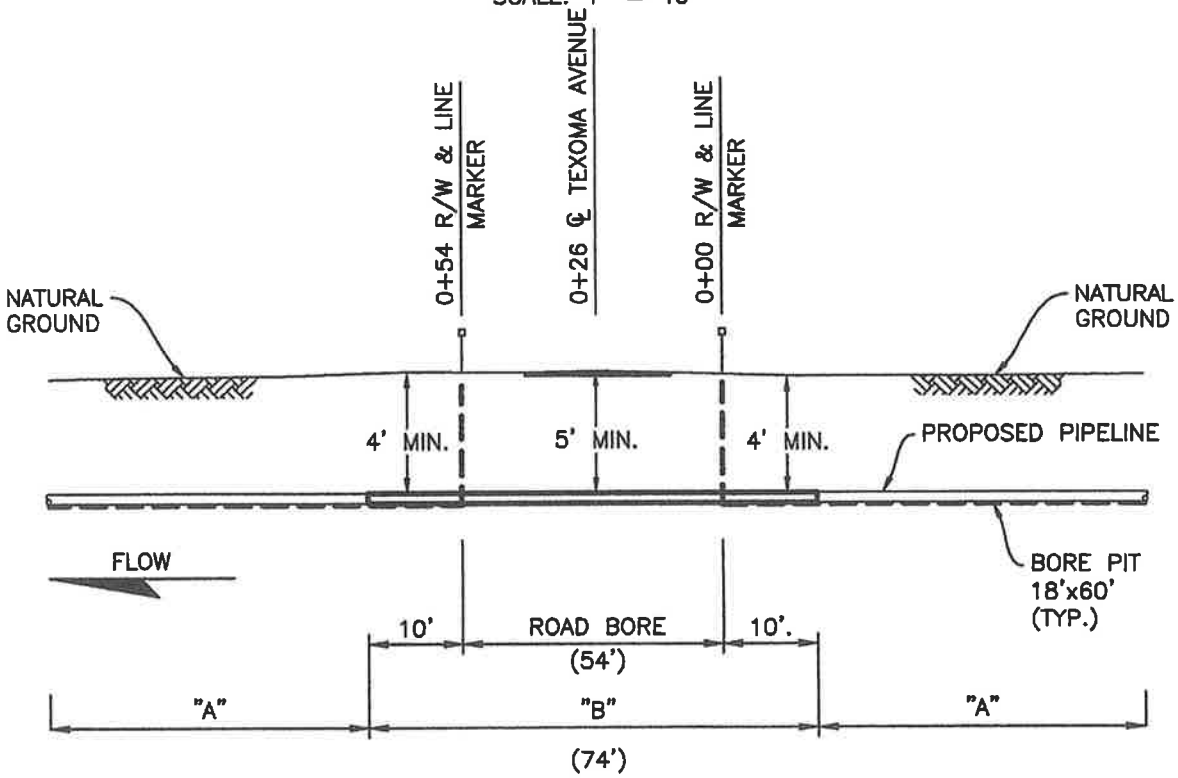
Kyle Hood,
ROW/Permit Agent
479-970-8590
Representing Magellan Pipeline Company, L.P.

PULASKI COUNTY, ARKANSAS
SECTION 33, T2N–R11W

EXHIBIT
"C"



PLAN
SCALE: 1" = 40'



"A" = 12.750" O.D. x 0.250" W.T., API–5L–X60
14–18 mils FBE
"B" = 12.750" O.D. x 0.344" W.T., API–5L–X60
14–18 mils FBE w/35 mils ARO

PROFILE
SCALE: 1" = 40' H
1" = 20' V

SHEET 1 OF 2

DRAFTING DEPARTMENT	**MAGELLAN PIPELINE COMPANY, L.P.**			
CHECKED: ALA	ONE WILLIAMS CENTER, TULSA, OK 74172			
APPROVED:	PROPOSED 12" PIPELINE CROSSING UNDER TEXOMA AVENUE PULASKI COUNTY, ARKANSAS			
ENGINEERING DEPARTMENT				
CHECKED:	SCALE: AS NOTED	DRAWN BY: JNC	DRAWING NO.	REVISION
APPROVED:	DATE: 06/01/15	PLOT DATE: 06/01/15	6601–PU–72–MR	

PULASKI COUNTY, ARKANSAS

PIPE DATA SHEET
FOR PROPOSED INSTALLATIONS

STATE PROJECT NO. _____ PERMIT NO. _____

HIGHWAY NO. **Pulaski County** CONTROL SECTION _____

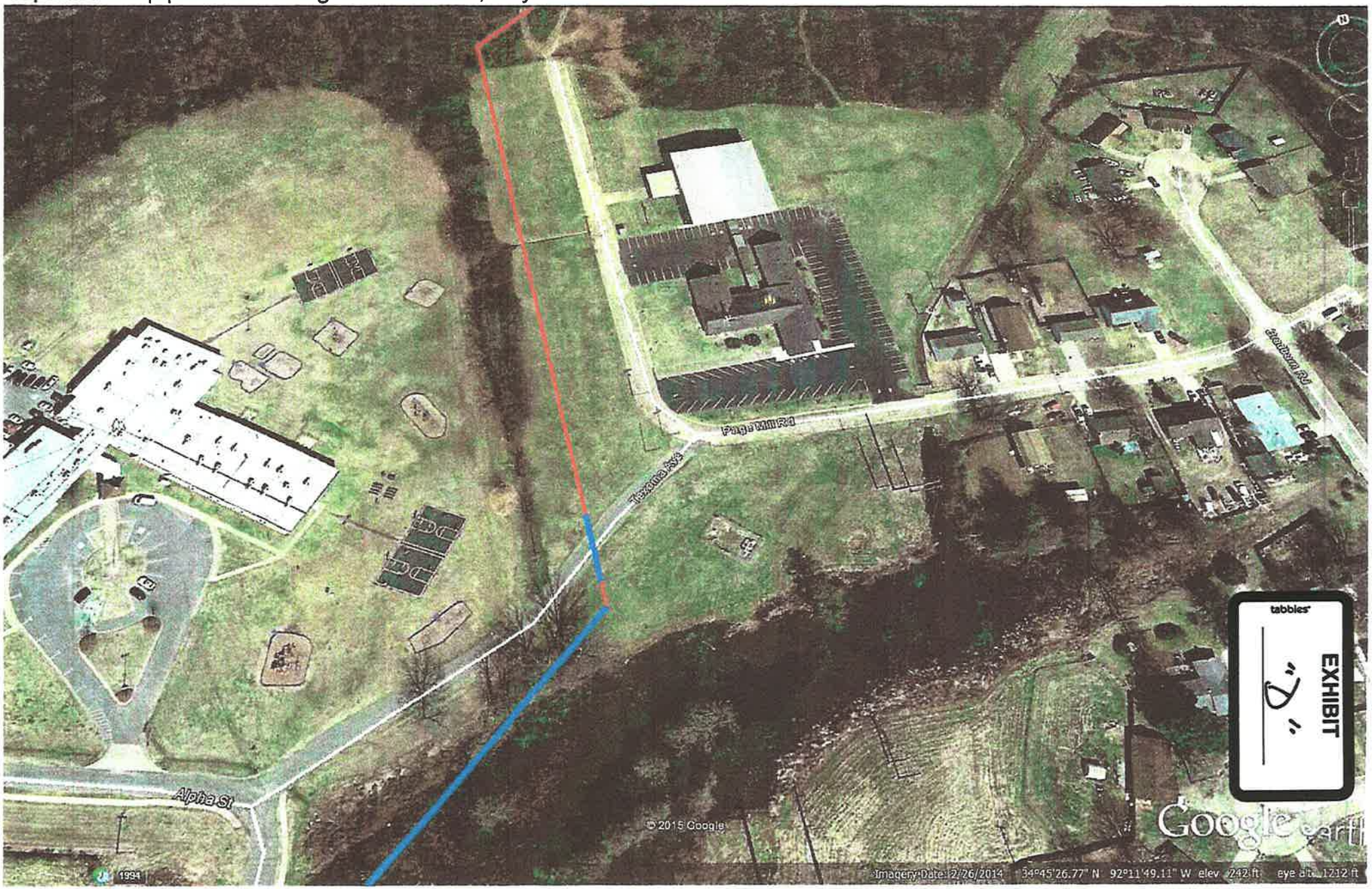
OWNER OF PROPOSED FACILITY **Magellan Pipeline Company, L.P.**

DATA	CARRIER PIPE	CASING (if used)
Contents to be handled	Refined Petroleum Products	N/A
Pipe Material	Carbon Steel	N/A
Specification & Grade of Pipe	API-5L-X60	N/A
Outside Diameter (inches)	12.750"	N/A
Wall thickness (inches)	0.344"	N/A
Yield Strength (PSI)	60,000	N/A
Maximum Operating Pressure (PSIG)	1440 PSIG	N/A
Design Factor (for Liquid Line	0.72	N/A
Type of Joint (welded, mechanical joint, etc.)	Welded	N/A
Method of Installation (Dry Bore & Jack, open cut)	Dry Bore	N/A
Location (crossing or parallel)	Crossing	N/A
Min. Depth beneath roadway surface	5'-0" Minimum	N/A
Min. Depth beneath ditches or drainage structures	4'-0" Minimum	N/A
Coating Material	13-20 mils FBE w/32 mils ARO	N/A
Cathodic Protection	Yes	N/A

This proposed installation is in compliance with Department Standards.

_____
DISTRICT PERMIT SPECIALIST

SHEET 2 OF 2

DRAFTING DEPARTMENT	**MAGELLAN PIPELINE COMPANY, L.P.** ONE WILLIAMS CENTER, TULSA, OK 74172
CHECKED: ALA APPROVED:	PROPOSED 12" PIPELINE CROSSING UNDER TEXOMA AVENUE PULASKI COUNTY, ARKANSAS
ENGINEERING DEPARTMENT	
CHECKED: APPROVED:	SCALE: AS NOTED · DATE: 06/01/15 · DRAWN BY: JNC · PLOT DATE: 06/09/15 · DRAWING NO. 6601-PU-72-MR · REVISION

Proposed 12" pipeline crossing Texoma Ave., City of North Little Rock 6601-PU-72-MR