

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 LYNCH DRIVE; 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 Lynch Drive in the City of North Little Rock, Arkansas ("the City"); and

WHEREAS, Magellan's pipeline will cross under a portion of Lynch Drive, property owned by the City, and specifically under a portion of Lynch Drive, 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 \$7,830.00 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 \$7,830.00, to allow Magellan to build its gas pipeline under a portion of Lynch Drive, 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 southeasterly side of the right of way of Lynch Drive and extending in a southwesterly direction S 60° 00' 00" W for a distance of eighty-seven feet (87'), more or less, to the northwesterly right of way of said Lynch Drive. (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 DAK*

ATTEST:

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
C. Jason Carter, City Attorney *by DAK*

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:05</u>	A.M.	_____	P.M.
By	<u>Asst. City Atty M<sup>E</sup> Fadden</u>			
DATE	<u>6-16-15</u>			
<b>Diane Whitbey, City Clerk and Collector</b> <b>North Little Rock, Arkansas</b>				
RECEIVED BY	<u>J. Marshall</u>			



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 SEVEN THOUSAND EIGHT HUNDRED THIRTY AND 00/100's DOLLARS (\$7,830.00) 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 southeasterly side of the right of way of Lynch Drive and extending in a southwesterly direction S 60° 00' 00" W for a distance of eighty-seven feet (87'), more or less, to the northwesterly right of way of said Lynch Drive.

**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.

The City of North Little Rock

\_\_\_\_\_  
Printed Name:

By \_\_\_\_\_  
Joe A. Smith, Mayor

Its: \_\_\_\_\_

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:

\_\_\_\_\_

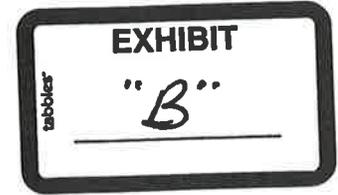


Hatch Mott  
MacDonald

2796 South 2nd, Suite E  
Cabot, Arkansas 72023

www.hatchmott.com

Hatch Mott MacDonald



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.

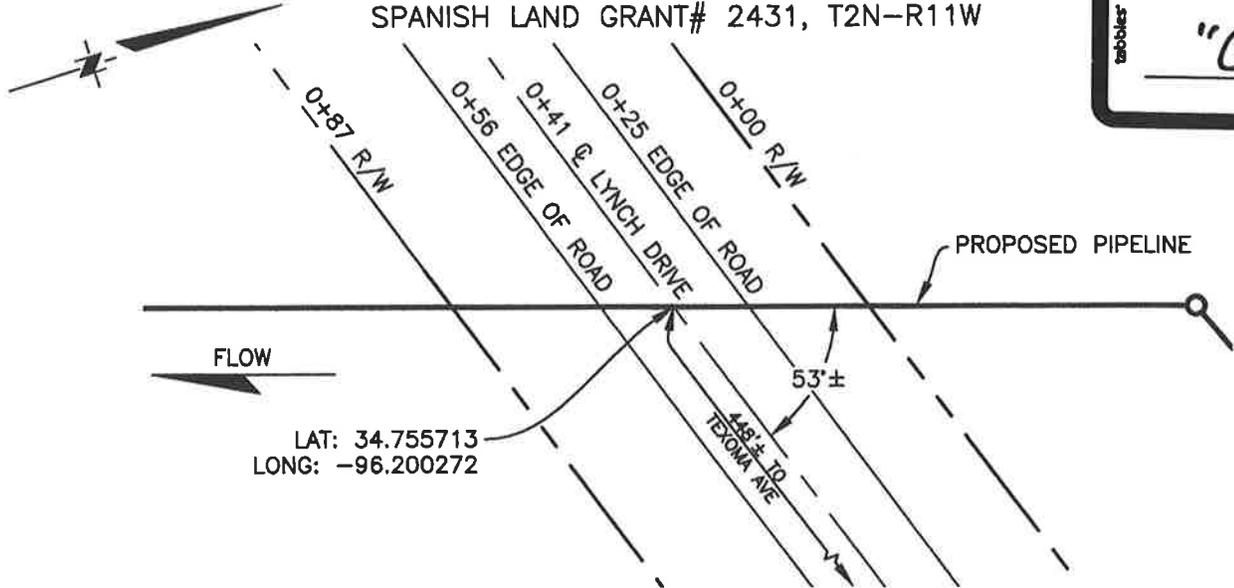
Should you have any questions or concerns about the enclosed road crossing permit applications or have further questions, please contact me at (479) 970-8590.

Sincerely,

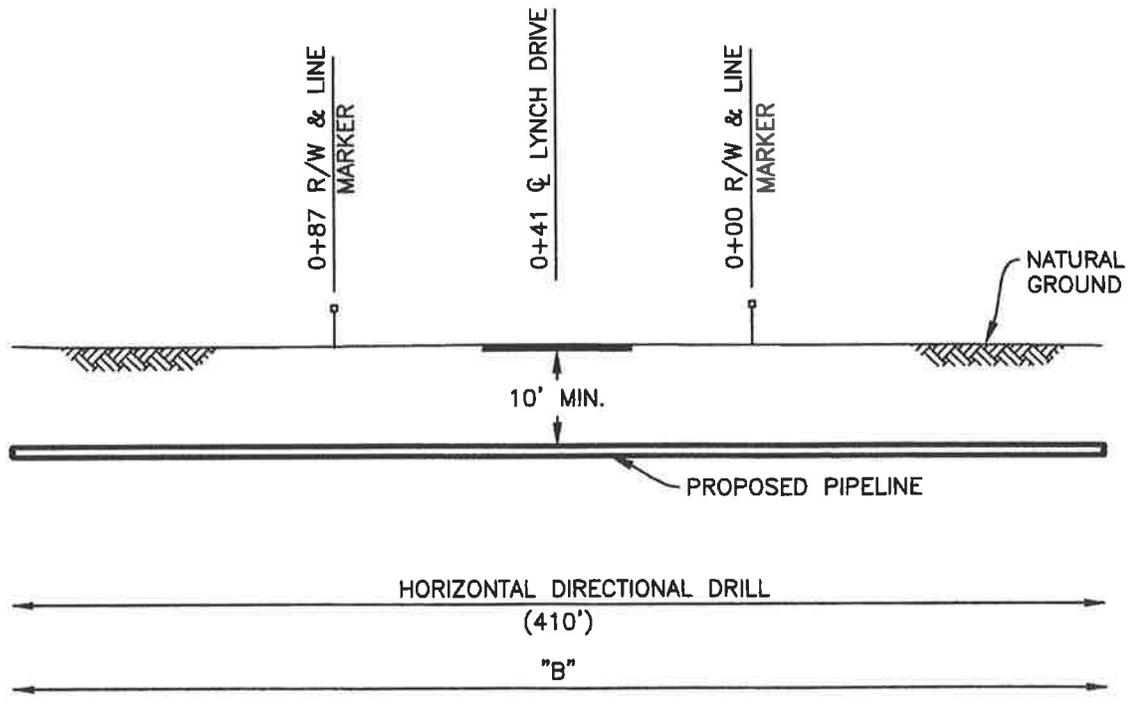
  
Kyle Hood,  
ROW/Permit Agent  
479-970-8590  
Representing Magellan Pipeline Company, L.P.

PULASKI COUNTY, ARKANSAS  
SPANISH LAND GRANT# 2431, T2N-R11W

**EXHIBIT**  
tabbles  
"C"



PLAN  
SCALE: 1" = 40'



"A" = 12.750" O.D. x 0.250" W.T., API-5L-X60  
13-20 mils FBE  
"B" = 12.750" O.D. x 0.344" W.T., API-5L-X60  
13-20 mils FBE w/35 mils ARO

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

SHEET 1 OF 2

DRAFTING DEPARTMENT		<b>MAGELLAN PIPELINE COMPANY, L.P.</b> ONE WILLIAMS CENTER, TULSA, OK 74172			
CHECKED: ALA					
APPROVED:		<b>PROPOSED 12" PIPELINE CROSSING UNDER LYNCH DRIVE PULASKI COUNTY, ARKANSAS</b>			
ENGINEERING DEPARTMENT					
CHECKED:		SCALE: AS NOTED	DRAWN BY: HMM	DRAWING NO.	REVISION
APPROVED:		DATE: 06/01/15	PLOT DATE: 06/01/15	<b>6601-PU-77-MR</b>	

**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 (w elded, mechanical joint, etc.)	Welded	N/A
Method of Installation (Dry Bore & Jack, open cut)	Horizontal Directional Drill	N/A
Location (crossing or parallel)	Crossing	N/A
Min. Depth beneath roadway surface	10'-0" Minimum	N/A
Min. Depth beneath ditches or drainage structures	10'-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	<b>MAGELLAN PIPELINE COMPANY, L.P.</b>			
CHECKED: ALA	ONE WILLIAMS CENTER, TULSA, OK 74172			
APPROVED:	<b>PROPOSED 12" PIPELINE CROSSING UNDER</b>			
ENGINEERING DEPARTMENT	<b>LYNCH DRIVE</b>			
CHECKED:	<b>PULASKI COUNTY, ARKANSAS</b>			
APPROVED:	SCALE: AS NOTED DATE: 06/01/15	DRAWN BY: JNC PLOT DATE: 06/01/15	DRAWING NO. <b>6601-PU-77-MR</b>	REVISION

Proposed 12" pipeline crossing Lynch Drive, City of North Little Rock

6601-PU-77-MR



tabbles  
EXHIBIT  
"D"

Google earth

Imagery Date: 2/26/2014 34°45'22.11" N 92°11'59.32" W elev 250 ft eye alt 948 ft

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