O-20-18

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING ORDINANCE NO. 7934 WHICH VACATED AND ABANDONED A STREET RIGHT-OF-WAY AT THE INTERSECTION OF NORTH OLIVE STREET AND WEST 47TH STREET AND AUTHORIZED THE SALE OF THE SAME TO RUDOLPH FRAZIER; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, on April 23, 2009, the City adopted Ordinance No. 7934, which vacated and abandoned a platted street easement that had not been used for street purposes at the intersection of N. Olive Street and W. 47th Street in the City of North Little Rock which was not needed for municipal purposes; and

WHEREAS, Ordinance No. 7934 additionally authorized the sale of the vacated and abandoned easement to Rudolph Frazier, the adjoining property owner, provided that no utility easements would be extinguished by the conveyance and provided that the City shall have the first right to repurchase the property at the price sold pursuant to the ordinance (see Quitclaim Deed attached hereto as Exhibit A); and

WHEREAS, the City Council finds that the right to repurchase the property impacts the marketability of Mr. Frazier's title and further finds that it is unlikely that the City will ever need to acquire the subject property for street purposes; and

WHEREAS, the City Council finds that removing the condition of the right to repurchase the property would not be contrary to the best interests of the citizens of North Little Rock.

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

SECTION 1: That Section 2 of Ordinance No. 7934 is hereby amended as follows:

[Editor's Note: Deletion denoted by ~~strikethrough~~.]

> That the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to convey title to the property described in SECTION 1 to Rudolph Frasier for a total sum of $1,900.00 (including the $900.00 re-plat fee) provided that no utility easements may be extinguished through this conveyance, ~~and the City shall have the first right to repurchase the property at the price sold under this Ordinance~~.

SECTION 2: That the Mayor and City Clerk are hereby authorized to execute a Quitclaim Deed substantially similar to Exhibit B attached hereto in order to remove the condition granting the City the right to repurchase the property.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: It is hereby found and determined that the immediate passage of this ordinance is necessary in order to insure the proper and orderly use 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:

Debi Ross

Council Member Debi Ross

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:50 A.M. _____ P.M.
BY A. Fields
DATE 2-18-20
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED by S. Ussery

2007036084
05/08/2007 10:31:25 AM
Filed & Recorded in
Official Records of
PAT O'BRIEN
PULASKI COUNTY
CIRCUIT/COUNTY CLERK
Fees $17.00

SEAL OF THE CIRCUIT COURT PULASKI COUNTY, ARKANSAS

# QUITCLAIM DEED

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of North Little Rock, Arkansas, **GRANTOR**, by its Mayor and City Clerk, duly authorized by Ordinance No. 7934 passed by the North Little Rock City Council on April 23, 2007, for and in consideration of the sum of One Thousand Nine Hundred & 00/100 ($1,900.00) and other good and valuable consideration in hand paid by Rudolph Frazier, **GRANTEE**, the receipt of which is hereby acknowledged, does hereby grant, sell, convey and quitclaim unto the said **GRANTEE**, and unto its successors and assigns forever, all its right, title, interest and claim in and to the following lands lying in the County of Pulaski, State of Arkansas:

> That part of the SW1/4 of Section 14, Township 2 North, Range 12 West, Pulaski County, Arkansas, that lies North of Lot 9, Block 75, PARK HILL ADDITION to the City of North Little, Pulaski County, Arkansas, and that lies 10 feet South of and parallel with the South curb of West McCain Blvd), and being more particularly described as follows:
>
> Beginning at the Northwest corner of Lot 9, Block 75, PARK HILL ADDITION, to the City of North Little Rock, Pulaski County, Arkansas, said point of being 10 feet South of the South curb of said West McCain Blvd. also said point being a point on a 343 foot radius curve to the left; thence along said curve to the left and being 10 foot South of and parallel with said curve, a chord bearing and distance of, N 72°53'38" E, 108.7 feet to the point of curvature of a 20 foot radius curve to the right; thence along said curve to the right, a chord bearing and distance of, S 58°11'23" E, 33.94 feet to the point of tangency, said point being on the West right of way line of North Olive Street; thence S 00°23'40"E and along said right of way line, 13.7 feet to the Northeast corner of said Lot 9, Block 75, PARK HILL ADDITION; thence S 89°50'20" W, and along the North line of said Lot 9, Block 75(also being South right of way line of West McCain Blvd., a distance of 133.05 feet to the point of beginning. Containing 2,211.20 square feet, more or less. (See Exhibit "A" attached hereto and incorporated by reference.)

To have and to hold the same unto the said **GRANTEE** and unto his successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging; except, however, Grantor shall have the first right to repurchase said property for the sum of One Thousand Nine Hundred & 00/100 Dollars ($1,900.00) at any time.

EXHIBIT
tabbies
A

**IN WITNESS WHEREOF**, the name of the **GRANTOR** is hereunto affixed by its Mayor and its seal affixed by its City Clerk this 4th day of May, 2007

**CITY OF NORTH LITTLE ROCK, AR**

By _____
Mayor Patrick H. Hays

ATTEST:

_____
Diane Whitbey, City Clerk

[SEAL]

**ACKNOWLEDGEMENT**

**STATE OF ARKANSAS )**
**) ss.**
**COUNTY OF PULASKI )**

**BE IT REMEMBERED**, that on this day comes before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, Patrick H. Hays and Diane Whitbey, to me well known, who stated that they were the Mayor and City Clerk of the City of North Little Rock, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of the City of North Little Rock and further stated and acknowledged that they had executed the same for the consideration and purposes therein mentioned and set forth.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal this 4th day of May, 2007.

_____
Notary Public

My Commission Expires:
8-29-10

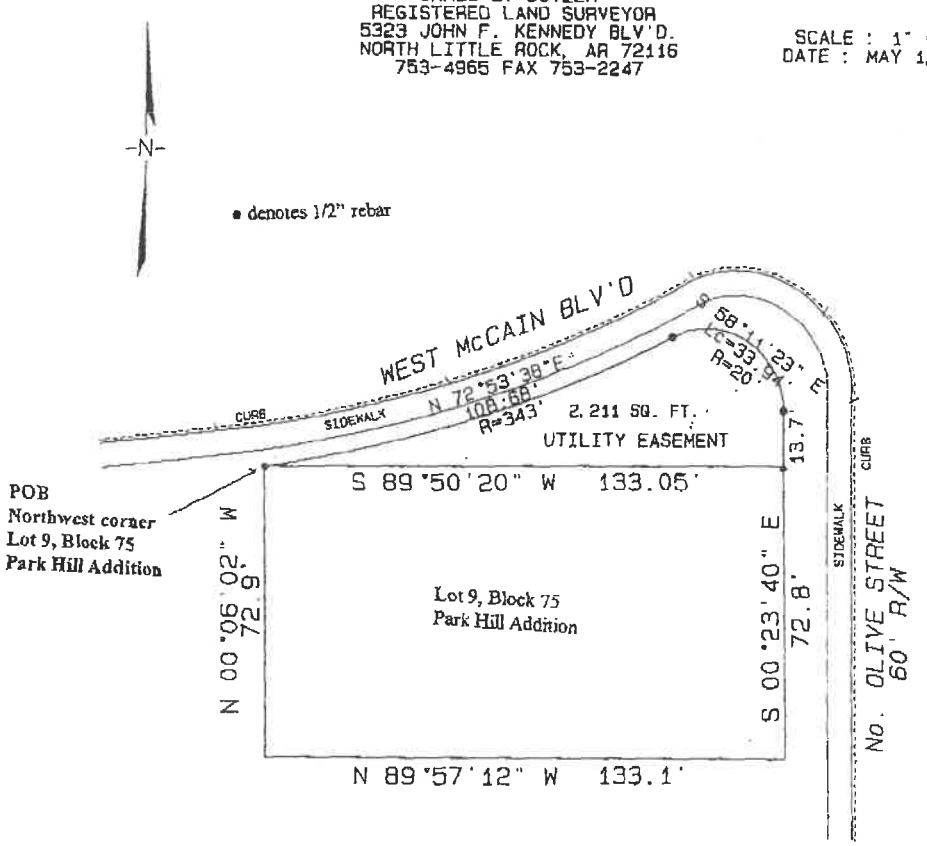
REBECCA A. HENDERSON NOTARY PUBLIC PULASKI COUNTY, ARK. My Comm. Expires 8-29-2010

**Prepared by:**
Office of North Little Rock City Attorney
300 Main Street
North Little Rock, AR 72114
(501) 340-5336

Doc# 2007036084

JAMES L. BUTLER
REGISTERED LAND SURVEYOR
5323 JOHN F. KENNEDY BLV'D.
NORTH LITTLE ROCK, AR 72116
753-4965 FAX 753-2247

SCALE : 1" = 30'
DATE : MAY 1, 2007




LEGAL DESCRIPTION:

Part of the SW1/4 of Section 14, Township 2 North, Range 12 West, Pulaski County, Arkansas, that lies North of Lot 9, Block 75, PARK HILL ADDITION to the City of North Little Rock, Pulaski County, Arkansas, and that lies 10 feet South of and parallel with the South curb of West McCain Blvd, said part being more particularly described as follows:

Beginning at the Northwest corner of Lot 9, Block 75, of PARK HILL ADDITION, to the City of North Little Rock, Pulaski County, Arkansas, said point being 10 feet South of the South curb of said West McCain Blvd. also said point being a point on a 343 foot radius curve to the left; thence along said curve to the left and being 10 foot South of and parallel with said curve, a chord bearing and distance of, N 72°53'38" E, 108.68 feet to the point of curvature of a 20 foot radius curve to the right; thence along said curve to the right, a chord bearing and distance of, S 58°11'23" E, 33.94 feet to the point of tangency, said point being on the West right of way line of North Olive Street; thence S 00°23'40" E and along said West right of way line, 13.7 feet to the Northeast corner of said Lot 9, Block 75, PARK HILL ADDITION; thence S 89°50'20" W, and along the North line of said Lot 9, Block 75 (also being the South right of way line of West McCain Blvd., a distance of 133.05 feet to the point of beginning. Containing 2,211 square feet, more or less.

REGISTERED
STATE OF ARKANSAS
NO. 261
SIGNATURE
5-1-07
JAMES L. BUTLER
PROFESSIONAL LAND SURVEYOR

CERTIFICATION:

I, James L. Butler, a Registered Land Surveyor, do hereby certify that I have surveyed the property described and shown heron.

EXHIBIT
"A"

## CERTIFICATE OF RECORD

**STATE OF ARKANSAS )**
**) ss.**
**COUNTY OF PULASKI )**

I, Pat O'Brien, Circuit Clerk and Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the _____day of May, 2007 at _____o'clock __M., and the same is now duly recorded, with the acknowledgements and certificates thereon in Record Book _____ Page _____.

**IN WITNESS WEREOF** I have hereunto set my hand and affixed the seal of said Court, this _____day of May, 2007.

PAT O'BRIEN
Pulaski County Circuit Clerk &
Ex-Officio Recorder.

By_____ D.C.

# QUITCLAIM DEED

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of North Little Rock, Arkansas, **GRANTOR**, by its Mayor and City Clerk, duly authorized by Ordinance No. _____ adopted by the North Little Rock City Council on February 24, 2020, for and in consideration of the sum of Ten & 00/100 ($10.00) and other good and valuable consideration in hand paid by Rudolph Frazier, **GRANTEE**, the receipt of which is hereby acknowledged, does hereby grant, sell, convey and quitclaim unto the said **GRANTEE**, and unto its successors and assigns forever, all its right, title, interest and claim in and to the following lands lying in the County of Pulaski, State of Arkansas, including **GRANTOR'S** first right to repurchase said property set out in **GRANTOR'S** original Quitclaim Deed to **GRANTEE**, filed for record with the Pulaski County Circuit Clerk as Instrument No. 2007036084 on May 8, 2007, but subject to all easements of record:

> That part of the SW1/4 of Section 14, Township 2 North, Range 12 West, Pulaski County, Arkansas, that lies North of Lot 9, Block 75, PARK HILL ADDITION to the City of North Little, Pulaski County, Arkansas, and that lies 10 feet South of and parallel with the South curb of West McCain Blvd), and being more particularly described as follows:
>
> Beginning at the Northwest corner of Lot 9, Block 75, PARK HILL ADDITION, to the City of North Little Rock, Pulaski County, Arkansas, said point of being 10 feet South of the South curb of said West McCain Blvd. also said point being a point on a 343 foot radius curve to the left; thence along said curve to the left and being 10 foot South of and parallel with said curve, a chord bearing and distance of, N 72°53'38" E, 108.7 feet to the point of curvature of a 20 foot radius curve to the right; thence along said curve to the right, a chord bearing and distance of, S 58°11'23" E, 33.94 feet to the point of tangency, said point being on the West right of way line of North Olive Street; thence S 00°23'40"E and along said right of way line, 13.7 feet to the Northeast corner of said Lot 9, Block 75, PARK HILL ADDITION; thence S 89°50'20" W, and along the North line of said Lot 9, Block 75(also being South right of way line of West McCain Blvd., a distance of 133.05 feet to the point of beginning. Containing 2,211.20 square feet, more or less. (See Exhibit "A" attached hereto and incorporated by reference.)

To have and to hold the same unto the said **GRANTEE** and unto his successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

EXHIBIT

tabbies

B

**IN WITNESS WHEREOF**, the name of the **GRANTOR** is hereunto affixed by its Mayor and its seal affixed by its City Clerk this _____ day of _____, 2020

**CITY OF NORTH LITTLE ROCK, AR**

By _____
Mayor Joe A. Smith

ATTEST:

_____
Diane Whitbey, City Clerk

[SEAL]

**ACKNOWLEDGEMENT**

**STATE OF ARKANSAS )**
**) ss.**
**COUNTY OF PULASKI )**

**BE IT REMEMBERED**, that on this day comes before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, Joe A. Smith and Diane Whitbey, to me well known, who stated that they were the Mayor and City Clerk of the City of North Little Rock, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of the City of North Little Rock and further stated and acknowledged that they had executed the same for the consideration and purposes therein mentioned and set forth.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal this _____ day of _____, 2020.

_____
Notary Public

My Commission Expires:

_____

**Prepared by:**
Office of North Little Rock City Attorney
116 Main Street
North Little Rock, AR 72114
(501) 975-3755

**This instrument is exempt from the real estate transfer tax.**

_____
Grantee