O-21- 10

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING CERTAIN UNUSED EASEMENTS ON PROPERTY LOCATED AT 8900 MAUMELLE BOULEVARD 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, DuWayne Eoff of Eoff & Associates, 2025 West Sunshine, Suite 132, Springfield, Missouri 65807, has requested that a certain easement located at 8900 Maumelle Boulevard be vacated as Mr. Eoff's associate, Metro Appliance and More, has recently purchased 8800 and 8900 Maumelle Boulevard and is in the process of combining the two lots (see letter from DuWayne Eoff, attached hereto as Exhibit A); and

WHEREAS, the herein described easement abandonment is supported by the North Little Rock Planning Department (see Exhibit B 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 C).

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 a certain unused easement on property located at 8900 Maumelle Boulevard, more particularly described below.

A UTILITY EASEMENT LYING WITHIN LOT 3A-R OF THE GERALD HORTON ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A FOUND 1/2" REBAR BEING THE NORTHWEST CORNER OF LOT 2-BR, GERALD HORTON ADDITION, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, THENCE RUNNING S00°31'15"E 323.04' TO FOUND 1/2" REBAR; THENCE N65°06'38"E 32.94' TO THE POINT OF BEGINNING; THENCE RUNNING N00°29'59"W 32.94'; THENCE N65°06'38"E 344.91'; THENCE S24°48'05"E 30.00'; THENCE S65°06'38"W 358.46' TO THE POINT OF BEGINNING. HAVING AN AREA OF 10554.58 SQUARE FEET, AND CONTAINING 0.242 ACRES MORE OR LESS. (See map and survey attached, collectively, hereto as Exhibit D).

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 easement, 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 Terry C. Hartwick

SPONSOR:

Steve Baxter

Council Member Steve Baxter

ATTEST

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:00 A.M. ___ P.M.
By A Fields, City Atty
DATE 1-19-21

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

RECEIVED BY B Tom

EXHIBIT
A

North Little Rock City Council
City Hall-300 Main Street
PO Box 5757
North Little Rock, AR 72119-5757
Phone: (501) 975-8601
Fax: (501) 975-8633

We are requesting a 30 feet access and utility easement abandonment located at 8900 Maumelle Blvd North Little Rock, Arkansas.

Metro Appliance & More is located at 8800 Maumelle Blvd, they recently purchased 8900 Maumelle Blvd and they are in the process of combining these two lots to improve the building located at 8900 Blvd for an accessory to site located at 8800 Blvd North Little Rock, Arkansas.

Metro Appliance & More, 5313 Mingo Rd Tulsa, Oklahoma 918-622-7692, Contact Doug Howell

Thank you for your time and consideration in this matter.

DuWayne Eoff
General Contractor
Eoff & Associates
2025 W. Sunshine
Suite 132
Springfield, MO 65807
417-863-8880

EXHIBIT
B

January 14, 2020

North Little Rock City Council
300 Main St.
North Little Rock, AR 72114

Re: Easement abandonment for Metro Appliances

Councilmembers:

The Planning Department has no issues abandoning the access and utility easement for Lot 3A-R, Gerald Horton Addition at 8900 Maumelle Blvd.

Thank you,

Tim Reavis
Assistant Planning Director
Planning Department

EXHIBIT
tabbies
C

Reavis, Timothy

From: Reavis, Timothy
Sent: Wednesday, January 13, 2021 3:54 PM
To: Cook, David
Subject: RE: Metro Appliances request of easement abandonment

We have no issues.

From: Cook, David
Sent: Wednesday, January 13, 2021 3:42 PM
To: Reavis, Timothy <TReavis@nlr.ar.gov>
Subject: RE: Metro Appliances request of easement abandonment

Do y'all have any issues with it?

David Cook, P.E.
City Engineer
500 West 13th Street
North Little Rock, AR 72114
Office: 501-371-8339
Cell: 501-351-8936
DCook@nlr.ar.gov

From: Reavis, Timothy <TReavis@nlr.ar.gov>
Sent: Wednesday, January 13, 2021 3:08 PM
To: Cook, David <DCook@nlr.ar.gov>
Subject: Metro Appliances request of easement abandonment

Is Engineering Ok with this request to abandon the access easement?

Eoff & Associates

From: Thomas Wray <Thomas.Wray@carkw.com>
Sent: Friday, December 4, 2020 3:16 PM
To: Eoff & Associates
Subject: RE: [External] driveway easement abandonment

Central Arkansas Water's response is below.

Thanks.

Tom Wray
Central Arkansas Water, Engineering
(501) 377-1221

From: Eoff & Associates <eoffassociates@sbcglobal.net>
Sent: Friday, December 04, 2020 3:02 PM
To: Thomas Wray <Thomas.Wray@carkw.com>
Subject: [External] driveway easement abandonment

[CAUTION:] This email originated from outside of the CAW. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eoff & Associates
2025 W. Sunshine
Suite 132
Springfield, MO. 65807

To Whom it may concern:

We are attempting to obtain approval to combine two lots on a building project. Upon approval, we are requesting a driveway easement abandonment. The city is requiring all utilities and City Departments to sign off on the easement abandonment.

The property addresses with the easement is 8800 Maumelle Blvd and 8900 Maumelle Blvd, North Little Rock.

Please review and mark the below choices with any explanations. IF you could sign the email and return or reply in the same email the choice chosen and any explanations with your contact information.

_____X____ 1. We have no concerns abandoning the easement.
_____ 2. We do not support abandoning the easement because : _____

_____

Your prompt attention is appreciated. If you have any questions or need any further information please feel free to contact me.

Eoff & Associates

From: Sims, Bruce B <Bruce.Sims@windstream.com>
Sent: Monday, December 7, 2020 8:26 AM
To: Zingula, Lisa A; WCI OSP PERMITS
Cc: Eoff & Associates; WCI Locate Desk
Subject: RE: driveway easement abandonment

Sensitivity: Internal

From: Zingula, Lisa A <Lisa.Zingula@windstream.com>
Sent: Friday, December 4, 2020 3:40 PM
To: Sims, Bruce B <Bruce.Sims@windstream.com>; WCI OSP PERMITS <WCI.OSP.PERMITS@windstream.com>
Cc: Eoff & Associates <eoffassociates@sbcglobal.net>; WCI Locate Desk <WCI.Locate.Desk@windstream.com>
Subject: FW: driveway easement abandonment

Good afternoon,
Please see below request.
Thank you

Sensitivity: Internal

From: Eoff & Associates <eoffassociates@sbcglobal.net>
Sent: Friday, December 4, 2020 3:04 PM
To: WCI Locate Desk <WCI.Locate.Desk@windstream.com>
Subject: driveway easement abandonment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eoff & Associates
2025 W. Sunshine
Suite 132
Springfield, MO. 65807

To Whom It May Concern:

We are attempting to obtain approval to combine two lots on a building project. Upon approval, we are requesting a driveway easement abandonment. The city is requiring all utilities and City Departments to sign off on the easement abandonment.

The property addresses with the easement is 8800 Maumelle Blvd and 8900 Maumelle Blvd, North Little Rock.

Please review and mark the below choices with any explanations. IF you could sign the email and return or reply in the same email the choice chosen and any explanations with your contact information.

_____X____ 1. We have no concerns abandoning the easement.
_____ 2. We do not support abandoning the easement because : _____
_____

- *Windstream has an Aerial Fiber Cable attached to the Power Poles along this area, but nothing underground!

Your prompt attention is appreciated. If you have any questions or need any further information please feel free to contact me.

Thank you for your time in this matter.

Annette Ramsey
417-863-8880
Fax: 417-863-9525

2025 W. Sunshine
Suite 132
Springfield, MO 65807
417-863-8880
417-863-9525 fax

Eoff & Associates

From: GWoodward@nlr.ar.gov
Sent: Friday, December 4, 2020 4:43 PM
To: eoffassociates@sbcglobal.net
Subject: Re: Metro North Little Rock information

North Little Rock Electric does not have anything in this area.

Thanks,
Greg Woodward

Sent from my IPad

On Dec 4, 2020, at 4:09 PM, Eoff & Associates <eoffassociates@sbcglobal.net> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let me know if you need further

Annette
<20-9-9 20-2408 REPLAT AND EASEMENT VACATE-Layout1.pdf>

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware.

Eoff & Associates

From: Kerby, Scott <SKerby@nlrwu.com>
Sent: Tuesday, December 22, 2020 10:52 AM
To: Eoff & Associates
Subject: RE: driveway easement abandonment

Annette,

NLRW has no objection to abandoning the easement as described below. Feel free to contact me if you have any questions or concerns.

Respectfully,

Scott Kerby

North Little Rock Wastewater
7400 Baucum Pike
P.O. Box 17898
North Little Rock, Arkansas 72117-0898
(501)945-7186

SKerby@nlrwu.com

NLR WASTEWATER
ENGINEERING DEPT

From: Eoff & Associates [mailto:eoffassociates@sbcglobal.net]
Sent: Thursday, December 17, 2020 1:18 PM
To: Kerby, Scott <SKerby@nlrwu.com>
Subject: RE: driveway easement abandonment

I'm sorry I just called the architect and its actually called a 30 ft access and utility easement it is along the north side of 8900. Did you get a copy of replat and survey?

The architect said when they replat both lots that they will add the sewer easement at that time. I sent him a copy of your email.

Does this answer your question or would you like his phone number?

Annette

From: Kerby, Scott <SKerby@nlrwu.com>
Sent: Thursday, December 17, 2020 12:54 PM

Eoff & Associates

From: Miller, Shannon <Shannon.Miller@lumen.com>
Sent: Wednesday, January 6, 2021 2:20 PM
To: Eoff & Associates
Subject: RE: driveway easement abandonment

We have no concerns on abandoning the easement as mentioned below.

Thank You,

LUMEN®

Shannon Miller
Contract Manager – NIS ROW
1025 Eldorado Blvd, Broomfield, Co 80021
tel: 720-888-6463
shannon.miller@lumen.com

From: Eoff & Associates <eoffassociates@sbcglobal.net>
Sent: Monday, December 28, 2020 10:49 AM
To: Miller, Shannon <Shannon.Miller@centurylink.com>
Subject: FW: driveway easement abandonment
Importance: High

Hello,

We have a meeting on this in January, have you had a opportunity to review items and make a decision?

Thank you for your time

Annette

From: Eoff & Associates <eoffassociates@sbcglobal.net>
Sent: Wednesday, December 16, 2020 12:07 PM
To: 'Miller, Shannon' <Shannon.Miller@lumen.com>
Subject: RE: driveway easement abandonment

Attached is information you requested.

We have a meeting with City on this in January. We would appreciate your response as quickly as possible.

Thank You

Annette

Eoff & Associates

From: Evenson, Suzanne C <suzanne.evenson@centerpointenergy.com>
Sent: Thursday, January 7, 2021 1:16 PM
To: Eoff & Associates
Subject: RE: [External Email] RE: Driveway Easement Abandonment

Ms. Annette,

Thank you for your patience in this matter. CenterPoint has no current objection to the abandonment of the aforementioned easement, and recommends calling Arkansas One Call at 811 or by visiting arkonecall.com to have all utilities located and marked prior to any construction. If any exposure of CNP facilities occurs, please contact Kevin Clark at (501) 672-9419 immediately.
Please do not hesitate to contact me for any further information.

Thank you,

CenterPoint. Energy

Suzy Evenson, EI
Associate Engineer | AR/OK Region
501.377.4542 w. | 501.416.8412 c.
CenterPointEnergy.com

From: Eoff & Associates <eoffassociates@sbcglobal.net>
Sent: Thursday, January 7, 2021 11:54 AM
To: Evenson, Suzanne C <suzanne.evenson@centerpointenergy.com>
Subject: RE: [External Email] RE: Driveway Easement Abandonment

Thanks for calling me I so appreciate all the work you guys have done.

Attached is a site plan, we are in process with city to combine lots

Annette

From: Evenson, Suzanne C <suzanne.evenson@centerpointenergy.com>
Sent: Thursday, January 7, 2021 10:22 AM
To: Eoff & Associates <eoffassociates@sbcglobal.net>
Subject: RE: [External Email] RE: Driveway Easement Abandonment

Good morning Annette,

I got your voice message, and again, I am so sorry that this has taken so long. I promise I am bugging the guy I'm waiting on multiple times a day. He promises to call me back very soon, and I will have an answer to you today, as soon as I hear back from him. Again, I'm so sorry for the delay!

Thank you,

EXHIBIT

tabbies

D

Easement to be Abandoned

NLR Community Planning

Ortho Map

1 inch = 100 feet

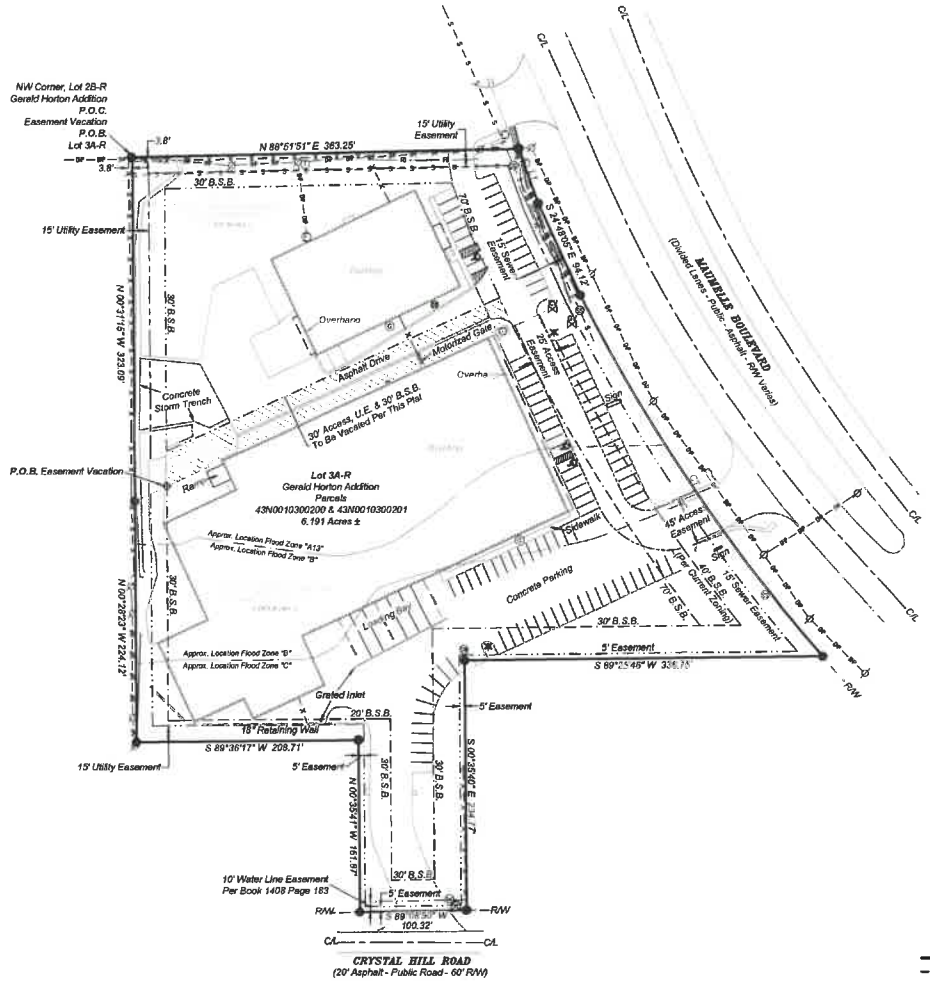
0 50 100 200 300 Feet

N W E S

Date: 1/14/2021

REPLAT & EASEMENT VACATION

Lots 2A-R & 2B-R, Creating Lot 3A-R



Miscellaneous Notes

COMPLETED FIELD WORK:
AUGUST 10, 2020

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2020 AT PAGE 021540.
2. SURVEY PLAT FILED IN PLAT BOOK # AT PAGE #.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

A PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR PULASKI COUNTY, ARKANSAS. COMMUNITY PANEL #05119C0328G DATED 7/6/2015.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

811
know what's below
Call before you dig

0' 80' 160'
1 INCH = 80 FEET

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 20TH DAY OF AUGUST, 2020

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
No. 1826
SIGNATURE
HEATH A. MYERS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

Vicinity Map (N.T.S.)

Zoning & Setback Information

ZONED: COMMUNITY SHOPPING DISTRICT (C-3)

REQUIREMENTS:

FRONT BUILDING SETBACK:	40'
SIDE BUILDING SETBACK:	0'
REAR BUILDING SETBACK:	20'
CORNER SETBACK:	25'

CONTACT: NORTH LITTLE ROCK PLANNING
(501) 975-8835

Survey Description

LOT 3A-R
BEING ALL OF LOT 2A-4 AND 2B-R, GERALD HORTON ADDITION, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:
BEGINNING AT A FOUND 1/2" REBAR BEING THE NORTHWEST CORNER OF SAID LOT 2B-R, THENCE RUNNING N88°51'51"E 363.25' TO A FOUND 1/2" REBAR; THENCE S20°14'28"E 54.07' TO A FOUND 1/2" REBAR; THENCE S24°48'05"E 94.12' TO A FOUND 1/2" REBAR; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 410.02', WITH A RADIUS OF 1534.62', WITH A CHORD BEARING OF S33°58'04"E, WITH A CHORD LENGTH OF 408.80', TO A FOUND 1/2" REBAR; THENCE S89°25'46"W 336.75' TO A FOUND 1/2" REBAR; THENCE S00°35'40"E 234.77' TO A FOUND 1/2" REBAR; THENCE S89°08'50"W 100.32' TO A FOUND 1/2" REBAR; THENCE N00°35'41"W 151.87' TO A FOUND 1/2" REBAR; THENCE S89°36'17"W 208.71' TO A FOUND 1/2" REBAR; THENCE N00°28'23"W 224.12' TO A FOUND 1/2" REBAR; THENCE N00°31'15"W 323.09' TO THE POINT OF BEGINNING. CONTAINING 6.191 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EASEMENT VACATION
AN EASEMENT VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING A FOUND 1/2" REBAR BEING THE NORTHWEST CORNER OF LOT 2-BR, GERALD HORTON ADDITION, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, THENCE RUNNING S00°31'15"E 323.04' TO FOUND 1/2" REBAR; THENCE N65°06'38"E 32.94' TO THE POINT OF BEGINNING; THENCE RUNNING N00°29'59"W 32.94'; THENCE N65°06'38"E 344.91'; THENCE S24°48'05"E 30.00'; THENCE S65°06'38"W 358.46' TO THE POINT OF BEGINNING. HAVING AN AREA OF 10554.58 SQUARE FEET, AND CONTAINING 0.242 ACRES MORE OR LESS.

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FORTY LINE / TIE LINE
- CENTERLINE OF ROAD (C/L)
- RIGHT-OF-WAY (R/W)
- FENCE
- BUILDING SET BACK (B.S.B.)
- UTILITY EASEMENT (U.E.)
- OVERHEAD POWER LINE
- SEWER LINE
- FIBER OPTIC
- TELEPHONE LINE
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP #1760
- COMPUTED POINT
- POWER POLE
- WATER VALVE
- GAS METER
- ELECTRICAL BOX
- SANITARY SEWER
- TELEPHONE PEDESTAL
- WATER METER
- FIRE HYDRANT
- STORM WATER
- GAS VALVE
- IRRIGATION CONTROL VALVE

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
N.T.S. NOT TO SCALE

PREPARED BY:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com
Certificate of Authorization № 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
M.B. 08-20-2020	T.P.N.	D.R.
COUNTY & STATE: PULASKI COUNTY, ARKANSAS	JOB NUMBER: 20-2408	

LOCATION
8800 & 8900 MAUMELLE BLVD N LITTLE ROCK, AR

FOR THE USE AND BENEFIT OF:
METRO BUILDERS SUPPLY, INC