O-21-40

ORDINANCE NO. ____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 9401 DIAMOND DRIVE 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, Phillip Lewis of Phillip Lewis Engineering, 23620 Interstate 30, Bryant, 72022, has requested that a certain easement located at 9401 Diamond Drive be vacated to allow the merging of Lot 2A-R and Lot 3A-R for a new commercial site development (see letter from Mr. Lewis, attached hereto as Exhibit A); and

WHEREAS, Mr. Lewis has offered the City a replacement easement 30 feet along the East line of Lot 3A-R for all future access and utility needs; 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 easement (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 9401 Diamond Drive, more particularly described below.

AN EASEMENT LYING WITHIN:
TRACT 1: LOT 2AR, HARRIS INDUSTRIAL PARK, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING SHOWN ON PLATS OF RECORD AS INSTRUMENT NUMBER 2015033373 AND AS INSTRUMENT NUMBER 2015040917, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS, CONTAINING 3.14 ACRES, MORE OR LESS.
TRACT 2: LOT 3A-R, HARRIS INDUSTRIAL PARK (BEING A REPLAT OF TRACT 5A & LOT 3A, HARRIS INDUSTRIAL PARK AND OTHER LANDS) IN THE CITY OF NORTH LITTLE ROCK AND IN SOUTHWEST 1/4 SECTION 24, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY ARKANSAS, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2019037259, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS, CONTAINING 6.49 ACRES, MORE OR LESS.
TRACT 3: PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 24, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY ARKANSAS

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF TRACT 2AR; THENCE NORTH 07°09'12" WEST ALONG THE EASTERLY LINE OF LOT 1AR, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2015033373, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS, A DISTANCE OF 440.38 FEET TO THE NORTHEAST CORNER OF LOT 1AR; THENCE NORTH 82°14'50" EAST, A DISTANCE OF 732.55 FEET; THENCE SOUTH 07°21'47" EAST, A DISTANCE OF 221.61 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 5A-R, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2019037259, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS; THENCE SOUTH 82°04'24" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 200.7 FEET TO THE NORTHWEST CORNER OF SAID LOT 5A-R; THENCE SOUTH 07°21'48" EAST ALONG THE WESTERLY LINE OF LOT 5A-R, A DISTANCE OF 214.83 FEET TO THE NORTHEAST CORNER OF LOT 3A-R, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2019037259, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS; THENCE SOUTH 81°50'35" WEST ALONG THE NORTHERLY LINE OF LOTS 3A-R AND 2AR, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2015040917, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS, A DISTANCE OF 534.13 FEET TO THE POINT OF BEGINNING CONTAINING 6.39 ACRES.

THE EASEMENT:
PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 24, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF LOT 2A-R; BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2019037259, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS; THENCE CONTINUING NORTH 07°10'12" WEST , A DISTANCE OF 781.65 FEET; THENCE SOUTH 82°49'48" WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 07°10'12" EAST, A DISTANCE OF 781.65 FEET; THENCE NORTH 82°49'48" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.17 ACRES, MORE OR LESS. (See map attached 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:

Council Member Maurice Taylor

ATTEST

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:35 A.M. __ P.M.

By Amy Fields

DATE 5/4/21

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

RECEIVED BY

EXHIBIT
A

Ref: Abandonment of Easement Lot 2A-R of the Harris Industrial Park

Phillip Lewis

23620 Interstate 30

Bryant, AR 72022

plewisengineering@yahoo.com | 501.350.9840

Dear City Council,

Please accept this request of the easement abandonment described in the supplied plan. We request that this easement be abandoned to allow the merging of lot 2A-R and 3A-R for a new commercial site development. In addition, we have proposed a new 30' easement along the East line of lot 3A-R for all future access/utility needs. Thank you.

Sincerely,

Phillip Lewis

EXHIBIT
B

The City of
NORTH LITTLE ROCK
OFFICE OF COMMUNITY PLANNING
120 Main St. • North Little Rock, AR 72114-2134
Phone (501) 975-8835 • Fax (501) 975-8837

April 29, 2021

Phillip Lewis Engineering
23620 Interstate 30
Bryant, AR 72022

Re: Easement Abandonment at 9401 Diamond Dr.

Phillip:

The Planning Department has no issues abandoning the easement between lots 2A-R & 3A-R to accommodate the replat and planned warehouse and distribution building.

Thank you,

Tim Reavis
Planning Department
975-8835

EXHIBIT
C

Subject: RE: Easement Abandonment Request
From: "Kerby, Scott" <SKerby@nlrwu.com>
Date: 4/28/2021, 11:12 AM
To: Garrett <garrett@phillipleweisengineering.com>
CC: Phillip Lewis <plewisengineering@yahoo.com>

Garrett,

NLRW has no concerns abandoning the easement.

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: Garrett [mailto:garrett@phillipleweisengineering.com]
Sent: Monday, April 26, 2021 2:59 PM
To: Kerby, Scott <SKerby@nlrwu.com>
Cc: Phillip Lewis <plewisengineering@yahoo.com>
Subject: Easement Abandonment Request

Scott,

Good afternoon sir. We are working on a replat that involves combining multiple lots in the Harris Industrial Park on Diamond Drive. We are combining Lots 2A-R and 3 in the process and would like to abandon a current utility easement that extends down the existing lot line of Lot 2A-R. I have attached a previous plat and our abandonment proposal sheet.

We have proposed a 30' utility easement on east property line of our newly created lot. This is where we will propose all of our new utility extensions for the project.

I am reaching out to you for the completion of step 2 in our abandonment process which states:

Provide signed letters/emails from all utilities and City Departments. Letters/emails need to state 1 of 2 choices (and any explanations)

a. They have no concerns abandoning the easement

Subject: RE: Easement Abandonment Request
From: <GWoodward@nlr.ar.gov>
Date: 4/28/2021, 9:13 AM
To: <garrett@phillipiewisengineering.com>
CC: <plewisengineering@yahoo.com>

Garrett / Phillip,

North Little Rock Electric has no issues with abandoning this easement.

North Little Rock Electric will provide power to this new facility.

Thanks,
Greg Woodward

Distribution Design Supervisor
City of North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@northlittlerock.ar.gov
Office: (501)992-4073
Fax: (501)992-4166

From: Garrett <garrett@phillipiewisengineering.com>
Sent: Wednesday, April 28, 2021 8:55 AM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>
Cc: Phillip Lewis <plewisengineering@yahoo.com>
Subject: Easement Abandonment Request

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.

Good Morning,

We are working on a replat that involves combining multiple lots in the Harris Industrial Park on Diamond Drive. We are combining Lots 2A-R and 3 in the process and would like to abandon a current utility easement that extends down the existing lot line of Lot 2A-R. I have attached a previous plat and our abandonment proposal sheet.

We have proposed a 30' utility easement on east property line of our newly created lot. This is where we will propose all of our new utility extensions for the project.

I am reaching out to you for the completion of step 2 in our abandonment process which states:

Provide signed letters/emails from all utilities and City Departments. Letters/emails need to state 1 of 2 choices (and any explanations)

a. They have no concerns abandoning the easement

Subject: RE: [External Email] Easement Abandonment Request
From: "Gober, Adam P" <adam.gober@centerpointenergy.com>
Date: 4/29/2021, 12:22 PM
To: Garrett <garrett@philliplewisengineering.com>
CC: Phillip Lewis <plewisengineering@yahoo.com>

Good afternoon Garrett,

CenterPoint Energy has no concerns with this easement being abandoned.

Thank you,

CenterPoint. Energy

Adam P. Gober
Engineer | AR/OK Region
501.377.4737 w. | 501.541.7509 c.
CenterPointEnergy.com

From: Garrett <garrett@philliplewisengineering.com>
Sent: Tuesday, April 27, 2021 3:42 PM
To: Gober, Adam P <adam.gober@centerpointenergy.com>
Cc: Phillip Lewis <plewisengineering@yahoo.com>
Subject: [External Email] Easement Abandonment Request

EXTERNAL EMAIL

Adam,

Good afternoon sir. We are working on a replat that involves combining multiple lots in the Harris Industrial Park on Diamond Drive. We are combining Lots 2A-R and 3 in the process and would like to abandon a current utility easement that extends down the existing lot line of Lot 2A-R. I have attached a previous plat and our abandonment proposal sheet.

We have proposed a 30' utility easement on east property line of our newly created lot. This is where we will propose all of our new utility extensions for the project.

I am reaching out to you for the completion of step 2 in our abandonment process which states:

Provide signed letters/emails from all utilities and City Departments. Letters/emails need to state 1 of 2 choices (and any explanations)

a. They have no concerns abandoning the easement

b. They do not support abandoning the easement because _____.

Subject: FW: [External] Easement Abandonment Request
From: Jim Ferguson <Jim.Ferguson@carkw.com>
Date: 4/28/2021, 11:12 AM
To: Garrett Rich <garrett@phillipiewisengineering.com>, Phillip Lewis <plewisengineering@yahoo.com>

CAW currently does not have and does not plan to have a public water main within the existing easement proposed to be closed as depicted in the attached drawing sheet no. C1.0 EASEMENT ABANDONMENT, HARRIS INDUSTRIAL PARK LOT 3A-R, in favor of the depicted 30 foot wide utility/access easement platted along the East side of the property. CAW does not oppose the closing of the existing easement.

Thank you,

Jim Ferguson, P.E.
Director of Engineering
Central Arkansas Water
501.377.1298 office
jim.ferguson@carkw.com

From: Garrett <garrett@phillipiewisengineering.com>
Sent: Monday, April 26, 2021 3:00 PM
To: Jim Ferguson <Jim.Ferguson@carkw.com>
Cc: Phillip Lewis <plewisengineering@yahoo.com>
Subject: [External] Easement Abandonment Request

[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.

Jim,

Good afternoon sir. We are working on a replat that involves combining multiple lots in the Harris Industrial Park on Diamond Drive. We are combining Lots 2A-R and 3 in the process and would like to abandon a current utility easement that extends down the existing lot line of Lot 2A-R. I have attached a previous plat and our abandonment proposal sheet.

We have proposed a 30' utility easement on east property line of our newly created lot. This is where we will propose all of our new utility extensions for the project.

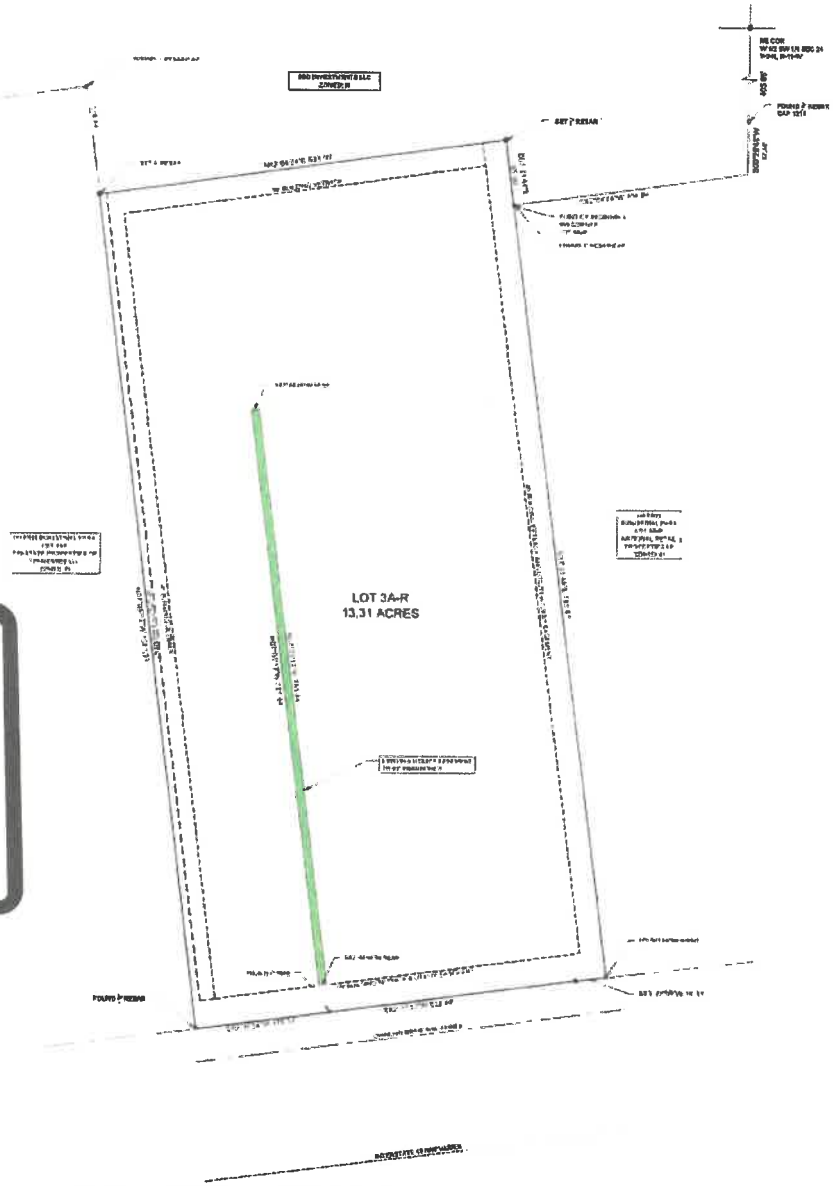
I am reaching out to you for the completion of step 2 in our abandonment process which states:

Provide signed letters/emails from all utilities and City Departments. Letters/emails need to state 1 of 2 choices (and any explanations)

a. They have no concerns abandoning the easement

b. They do not support abandoning the easement because _____.

Please feel free to contact me with any questions or concerns. Thank you for your time.



UTILITY EASEMENT ABANDONMENT

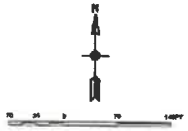
LEGAL DESCRIPTION OF EASEMENT TO BE ABANDONED

PART OF THE NW1/4 OF THE S1/2 SECTION 24, T-2N-R-13-W & THE RANGE 13 WEST, PULASKI COUNTY ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NW PROJECT CORNER OF LOT 3A-R, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2021-07529, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS; THENCE FOLLOWING NORTH 87°51'00" WEST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 87°51'00" EAST, A DISTANCE OF 70.00 FEET; THENCE NORTH 87°51'00" EAST, A DISTANCE OF 70.00 FEET; THENCE NORTH 87°51'00" EAST, A DISTANCE OF 1,000.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.17 ACRES, MORE OR LESS.

VICINITY MAP

SCALE 1" = 1 MILE



SCALE 1" = 70'

EXHIBIT A

tabbies

PHILLIP LEWIS ENGINEERING, INC.
Structural + Civil Consultants
23620 Interstate 30 | Bryant, Arkansas
PH: 501-350-9640

HARRIS INDUSTRIAL PARK
LOT 3A-R
NORTH LITTLE ROCK
PULASKI COUNTY, AR

DRAFT ISSUE DATE: 06-28-2021

SHEET TITLE: EASEMENT ABANDONMENT

SHEET NUMBER: C1.0

Public Hearing Case # 2021-13

NLR Community Planning

Ortho Map

1 inch = 150 feet

0 75 150 300 450 Feet

N W E S

Date: 5/3/2021