O-21-47

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SAID TERRITORY TO WARD 2; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a petition was filed with the County Court of Pulaski County, Arkansas, pursuant to Ark. Code Ann. §14-40-609, for the annexation of certain territory into the City of North Little Rock, Arkansas (see petition attached hereto as Exhibit A); and

WHEREAS, the Pulaski County Clerk and Pulaski County Assessor have verified the identity of the petitioner; verified that there are no property owners included in the petition that do not wish to have their property annexed; verified that the property is contiguous with the City of North Little Rock; and verified that no enclaves will be created if the petition is accepted by the City of North Little Rock; and

WHEREAS, the County Clerk and County Assessor have presented the petition and their respective verifications to the Pulaski County Judge; and

WHEREAS, the County Judge has reviewed the petition and verifications for completeness and accuracy; determined that no enclaves will be created by the annexation; confirmed that the petition contains a schedule of services; and has found that the territory that is the subject of the Petition for Annexation may be annexed to and made a part of the City of North Little Rock, Pulaski County, Arkansas, as authorized and provided by law; and

WHEREAS, the County Judge has issued an Order articulating his findings and forwarded the Petition and Order to the contiguous City of North Little Rock for consideration; and

WHEREAS, it is the desire of the North Little Rock City Council that said territory be annexed.

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

SECTION 1: That the following described territory, contiguous to the City of North Little Rock, be and the same is hereby accepted as part of, and annexed to and made a part of the City of North Little Rock, Arkansas:

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 LOT 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 302.00 FEET; THENCE NORTH 82°04'24" EAST, A DISTANCE OF 533.00 FEET; THENCE SOUTH 07°21'48" EAST, A DISTANCE OF 85.00 FEET TO THE NORTHWEST CORNER OF LOT 5A-R, BEING SHOWN ON PLAT OF RECORD AS INSTRUMENT NUMBER 2019037259, IN THE RECORDS OF PULASKI COUNTY, ARKANSAS; THENCE CONTINUING SOUTH 07°21'48" EAST ALONG THE WESTERLY LINE OF SAID 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 3.69 ACRES, MORE OR LESS, AND INCLUDING ALL ABUTTING OR TRAVERSING PUBLIC ROADS AND RIGHTS OF WAY. (See map attached hereto as Exhibit B)

SECTION 2: That the following schedule of services shall be extended to the area by the City of North Little Rock within the statutorily required three (3) year period after the date of annexation becomes final, as follows:

(1) Police services;
(2) Fire protection services;
(3) Residential solid waste disposal services;
(4) City planning and code enforcement services; and
(5) Street and storm water system maintenance on city streets and drainage easements.

SECTION 3: That the above-described territory shall be annexed to and made a part of Ward 2 of the City of North Little Rock, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

SECTION 4: That thirty (30) days after passage and publication or posting of this Ordinance as authorized by law, the annexation shall be final and the property shall be within the corporate limits of the City of North Little Rock, Arkansas, except as otherwise ordered by the Circuit Court pursuant to a cause of action filed within said thirty (30) day period.

SECTION 5: That within forty-five (45) days of the effective date of this ordinance, the City Clerk shall provide written notice, along with complete documentation to the County Clerk of each county in which the territory is affected.

SECTION 6: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: 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 8: It is hereby found and determined that the annexation of the territory described herein is immediately necessary in order to insure the proper and orderly growth and development of this land and of 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:

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:05 A.M. _____ P.M.
By Amy Fields
DATE 12.8.21
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY S. Ussery

EXHIBIT

A

FILED

APR 29 2021

TERRI HOLLINGSWORTH
CIRCUIT COUNTY CLERK

IN THE COUNTY COURT OF PULASKI COUNTY

IN THE MATTER OF THE ANNEXATION OF CERTAIN TERRITORY LOCATED WITHIN PULASKI COUNTY TO THE CITY OF NORTH LITTLE ROCK, IN PULASKI COUNTY, ARKANSAS

NO. CI-2021-012

PETITION FOR ANNEXATION

Comes now the Petitioner, Central Commerce Center, LLC, the undersigned property owner, and attests that it is the one hundred percent (100%) owner of the land hereinafter described and proposed to be annexed, and respectfully petitions the Court for the annexation of such lands to the City of North Little Rock, Pulaski County, Arkansas, in accordance with the provisions of Ark. Code Ann. §14-40-609 (2017) which allows annexation by petition of a one hundred percent landowner. In support of said petition, the petitioner hereby attests before a Notary Public as follows:

1. That an accurate and complete description of the real property to be annexed is attached as Exhibit A, which is incorporated herein for all purposes.

2. That attached hereto and made a part hereof as Exhibit B-1 is an accurate vicinity map which reflects an accurate descriptions of all land sought to be annexed to the City of North Little Rock, Pulaski County, Arkansas. The map also shows the surrounding properties, and the current city limits of the City of North Little Rock.

3. That the letter from a certified abstractor or title company attached as Exhibit C verifies that the undersigned petitioner is the sole, one hundred percent owner of the property to be annexed.

4. That the land described above and sought to be annexed to the City of North Little Rock, Pulaski County, Arkansas, is contiguous to and adjoins an already established boundary of the City of North Little Rock as is shown on the map attached as Exhibit B-1; that the property proposed for annexation is suitable for use and zoned for urban usage purposes; that such property sought to be annexed

constitutes a material, logical and reasonable extension to the city limits of the City of North Little Rock, Arkansas, and that no enclaves or islands will be created by this annexation.

5. That attached as Exhibit D is a schedule of services that will be extended to the area within three (3) years after the date the annexation becomes final.

6. That attached as Exhibit E is a statement from Arkansas GIS evidencing compliance with Ark. Code Ann. §14040-101 (Act 914 of 2015).

WHEREFORE, petitioner prays that this Court enter its order within fifteen (15) days of its receipt of this petition from the Clerk making the findings and determinations set forth in Ark. Code Ann. §14-40-609(c)(2), and for such other relief as is just and proper.

Petitioner names the following persons, or any one of them, as the persons authorized to act on its behalf in connection with this matter: Isaac Smith and Bradford Gaines, Colliers Arkansas; and H. Baker Kurrus, Attorney at Law, H. Baker Kurrus, PLLC.

PETITIONER:

CENTRAL COMMERCE CENTER, LLC

By: _____

Isaac Smith, Manager

(Attestation on following page)

ATTESTATION

STATE OF ARKANSAS

COUNTY OF PULASKI

On this the 28 day of April, 2021, personally appeared before me, a Notary Public for the state and county aforesaid, Isaac Smith, to me well known or satisfactorily proven to be the Manager of Central Commerce Center, LLC, who after being first duly sworn, stated and attested to the forgoing petition as being true and correct to the best of his knowledge, information and belief, and further stated and attested that he had signed the Petition after being duly authorized for the uses and purposes therein stated and set forth.

Attested, subscribed and sworn to this 28 day of April, 2021.

Angela Caudle
NOTARY PUBLIC

My commission expires:
11·13·21

ANGELA CAUDLE
Notary Public-Arkansas
Pulaski County
My Commission Expires 11-13-2021
Commission # 12384987

TRACT 3

Part of the W1/2 of the SW1/4, Section 24, Township 2 North, Range 11 West, Pulaski County Arkansas being more particularly described as follows.

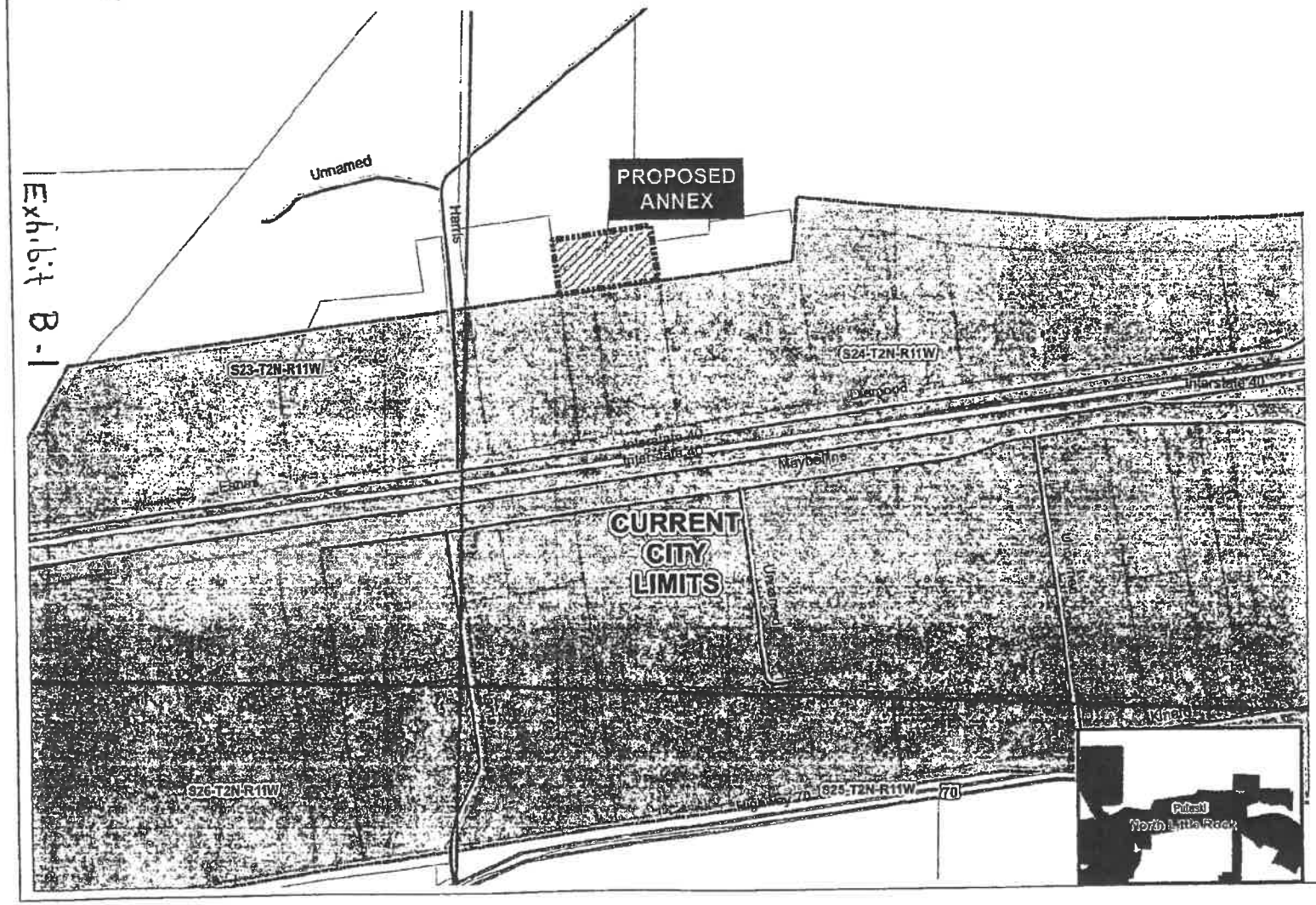
Beginning at the Northwest corner of Lot 2AR; thence North 07°09'12" West along the Easterly line of Lot 1AR, being shown on Plat of record as Instrument Number 2015033373, in the records of Pulaski County, Arkansas, a distance of 302.00 feet; thence North 82°04'24" East, a distance of 533.00 feet; thence South 07°21'48" East, a distance of 85.00 feet to the Northwest corner of Lot 5A-R, being shown on Plat of record as Instrument Number 2019037259, in the records of Pulaski County, Arkansas; thence continuing South 07°21'48" East along the Westerly line of said 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 3.69 acres, more or less.

Exhibit A

Exhibit B-1

Proposed Annex: City of North Little Rock
April 2021

City: North Little Rock
Mayor: Terry Hartwick



Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

Proposed Annex
Sections
Parcels
Highway
Minor Road
Existing City

0 0.03 0.06 0.12
Miles

ARKANSAS GIS OFFICE

H:\City_Annexations\Cities\North_Little_Rock\20210414

LENDERS TITLE COMPANY

One Allied Drive, Suite 1710
Little Rock, AR 72202
Phone: 501-537-4180 Fax: 501-537-4181

April 28, 2021
RE: 20-009292-180

Part of the W1/2 of the SW1/4, Section 24, Township 2 North, Range 11 West, Pulaski County, Arkansas being more particularly described as follows: Beginning at the Northwest corner of Lot 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 302.00 feet; thence North 82°04'24" East, a distance of 533.00 feet; thence South 07°21'48" East, a distance of 85.00 feet to the Northwest corner of Lot 5A-R, being shown on Plat of record as Instrument Number 2019037259, in the records of Pulaski County, Arkansas; thence continuing South 07°21'48" East along said Westerly line of said 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 3.69 acres, more or less.

This is to certify, I have checked the records of Pulaski County, Arkansas relative to the above described land and find the following person(s) and/or entities to be the fee simple title holder(s):

Central Commerce Center, LLC

This is a limited search of the records and is not to be construed as a title insurance policy, legal opinion or commitment to insure. Liability is limited to the amount charged for this search.

Certified the 28th day of April, 2021 at 12:05 PM
Sincerely,

Charles E Holman

Charles E. Holman
Arkansas Abstractor License No. 188-B
Lenders Title Company

Exhibit C

EXHIBIT D TO PETITION FOR ANNEXATION
CENTRAL COMMERCE CENTER, LLC

Schedule of Services to be extended to Annexed Property

All standard city services offered or available in the City of North Little Rock, Arkansas, including but not limited to police and fire protection, water and sewer service, code enforcement services, emergency alert and response services, traffic control services, street and drainage services, waste management and recycling services, electric service if the site is in the City's service territory, and such other city services as shall be offered or available in the future.

Annexation shall also allow the property owner to extend service lines and facilities for any such services.

Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

April 14, 2021

Mr. Bradford Gaines
Director of New Developments - Arkansas
One Allied Drive, Ste 1500
Little Rock, AR 72202

RE: City of North Little Rock Annexation Coordination Requirement

Mr. Gaines,

Thank you for coordinating with our office as you seek to annex property into the City of North Little Rock, AR located in Section 24, Township 2 North, Range 11 West. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in *§ 14-40-101* (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Sincerely,

Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

Exhibit E

H:\City_Annexations\Cities\North_Little_Rock\20210414\Doc\20210414_North Little Rock_Annexation_Coordination_Letter.docx

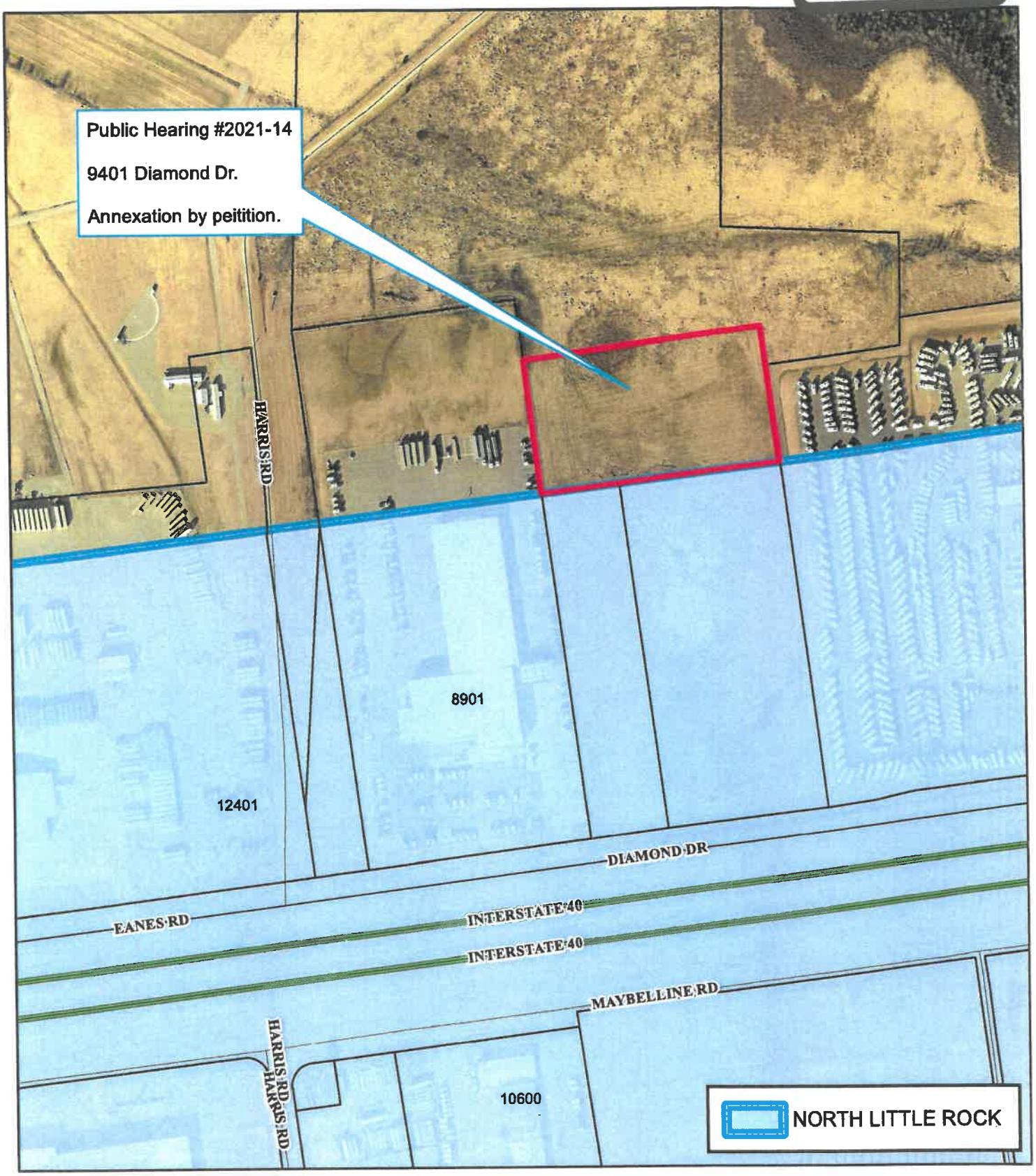
Arkansas Geographic Information Systems
501 Woodlane Street, Suite G04 * Little Rock, AR 72201 * 501.682.2767
TRANSFORM.AR.GOV

EXHIBIT

tabbies

B

Public Hearing Case # 2021-14



Ortho Map

1 inch = 300 feet

0 150 300 600 900 Feet

N W E S

Date: 5/21/2021