O-22-18

ORDINANCE NO. ____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 12000 PAUL EELLS 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, The Links at the Rock Management Company, LLC ("the Links") has requested, on behalf of the North Little Rock Wastewater ("NLRWW"), that a certain easement located at 12000 Paul Eells Drive be vacated to make way for an exclusive easement for the NLRWW sanitary force main (see letter from the Links, 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 12000 Paul Eells Drive, more particularly described below.

A UTILITY EASEMENT LYING WITHIN LOT 2, BLOCK 1, THE LINKS AT THE ROCK IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID LOT 2; THENCE SOUTH 86° 54' 24" EAST A DISTANCE OF 39.8 FEET TO THE POINT OF BEGINNING; THENCE NORTH 3°5'36" EAST A DISTANCE OF 15 FEET; THENCE SOUTH 86°54'24" EAST A DISTANCE 499.41 FEET; THENCE SOUTH 3° 5'36" WEST A DISTANCE 15 FEET; THENCE NORTH 86°54'24" WEST A DISTANCE OF 499.41 FEET TO THE POINT OF BEGINNING, CONTAINING 7,491.16 SQUARE FEET 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SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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:

ATTEST

_____
Council Member Ron Harris

_____
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields MBM
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:45 A.M. __ P.M.
By M Miller, City Atty Jr
DATE 3/8/22

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

RECEIVED BY B Tosh

EXHIBIT
tabbies
A

February 25, 2022

North Little Rock City Council
City of North Little Rock
120 Main Street
North Little Rock, AR 72114

Re: Lot 2, Block 1 The Links at the Rock
Easement Abandonment Request

Dear City Council Members:

Please accept this letter as a request to abandon a portion of an existing utility and drainage easement on Lot 2, Block 1 of The Links at the Rock. North Little Rock Wastewater has requested this easement abandonment to make way for an exclusive easement for the NLR Wastewater White Oak Bayou sanitary force main. I would like to have this easement abandonment placed on the agenda for the next available City Council meeting.

Please find included in this package an exhibit and description of the portion of the easement to be abandoned. Also attached are the letters of no opposition from NLR Wastewater, NLR Engineering Department, Entergy, AT&T, Central Arkansas Water, and Centerpoint Energy. I authorize Crafton Tull & Associates, Inc. to act as an agent on my behalf regarding this project. They may work directly with the planning and engineering staff toward approval of this abandonment

Thank you in advance for your efforts and diligence in reviewing our application, and please feel free to call or e-mail if you have any questions or comments.

Sincerely,

The Links at the Rock Commercial Properties,
A Limited Partnership
By: The Links at the Rock Management Company, LLC,
Its General Partner

EXHIBIT
tabbies
B

March 2, 2022

Travis Tolley, P.E.
Crafton Tull
10825 Financial Centre Parkway, Ste 300
Little Rock, AR 72211

Re: 12000 Paul Eels Dr. easement abandonment

Mr. Tolley,

NLR Planning Department has no problem with the proposed easement abandonment along the southern border of the lot as shown on the drawing.

Thank you,

Tim Reavis
NLR Planning

EXHIBIT
tabbies
C

NORTH LITTLE ROCK WASTEWATER UTILITY

November 24, 2021

Travis Tolley, P.E.
Crafton Tull
10825 Finacial Centre Parkway, Ste. 300
Little Rock, Arkansas 72211

RE: 12000 Paul Eels Dr.

Dear Mr. Tolley:

The plans for the above referenced project as received by NLRW have been reviewed. NLRW has verified no existing utilities are located within the easement proposed for abandonment. Therefore, NLRW has no objection to abandoning the easement as proposed.

Thank you for your attention and cooperation in this matter. If I can be of any further assistance, please feel free to call (501-945-7186) or email (SKerby@nlrwu.com).

Respectfully,

Scott Kerby, P.E.

7400 BAUCUM PIKE
P.O. BOX 17898
NORTH LITTLE ROCK, AR 72117-0898

PHONE (501) 945-7186
FAX (501) 945-3716

Travis Tolley

From: MONROE, TIMOTHY I <tm994e@att.com>
Sent: Friday, February 25, 2022 7:42 AM
To: Travis Tolley; KEATHLEY, CHRIS
Cc: Jason Grayham
Subject: RE: [External] RE: The Links at the Rock Easement Abandonment

Travis,

The reason I approved the easement abandonment is that there are multiple paths to work around this corridor to gain access to the potential businesses or residences. We have no existing cables or facilities through this section. We have options to come in from Paul Eells, Crystal Hill or Collins Industrial. I believe abandoning this easement will not hinder future growth for AT&T.

Moving forward, I approve of this abandonment.

Thanks,

Timothy Monroe

OSP Engineer AT&T Arkansas
17000 Cantrell Rd
Little Rock, AR
Cell: 501.650.3962

From: Travis Tolley <Travis.Tolley@craftontull.com>
Sent: Thursday, February 24, 2022 4:38 PM
To: MONROE, TIMOTHY I <tm994e@att.com>; KEATHLEY, CHRIS <ck0826@att.com>
Cc: Jason Grayham <Jason.Grayham@craftontull.com>
Subject: RE: [External] RE: The Links at the Rock Easement Abandonment

Hey Tim,
I used the email below for my easement abandonment submittal to the City showing that AT&T was not opposed to the easement abandonment. I think based on the Chris' email below yours, I don't think it was clear that AT&T is not opposed to the abandonment.
I have attached the latest easement abandonment exhibit.
Can you review and provide clarification that AT&T is not opposed?
Thank you,
Travis

Travis Tolley, P.E.
Senior Project Manager | Infrastructure

Travis Tolley

From: DCook@nlr.ar.gov
Sent: Tuesday, December 7, 2021 3:52 PM
To: Travis Tolley
Cc: TReavis@nlr.ar.gov; Jason Grayham
Subject: [External] RE: The Links at the Rock Easement Abandonment

NLR Engineering has no issues with abandoning the easement.

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: Travis Tolley <Travis.Tolley@craftontull.com>
Sent: Tuesday, December 7, 2021 12:41 PM
To: Cook, David <DCook@nlr.ar.gov>
Cc: Reavis, Timothy <TReavis@nlr.ar.gov>; Jason Grayham <Jason.Grayham@craftontull.com>
Subject: FW: The Links at the Rock 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.**

Hey David,
Have you had a chance to review this easement abandonment?
Thank you,
Travis

Travis Tolley, P.E.
Civil Engineer | Infrastructure

Crafton Tull

Office: 501-664-3245 | Direct: 501-748-8269
10825 Financial Centre Parkway, Ste 300
Little Rock, AR 72211-3554
www.craftontull.com

Disclaimer
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Travis Tolley

From: Acuapa, Jimmy <jacuapa@entergy.com>
Sent: Tuesday, November 30, 2021 4:17 PM
To: Travis Tolley
Subject: [External] The Links at the Rock Easement Abandonment

Travis,
Entergy does not having any existing facilities in the easement area and does not oppose the abandonment of the easement.

Let me know if you have any questions.

Thanks,

Jimmy Acuapa
Entergy
501-954-5166
This message is intended for the exclusive use of the intended addressee. If you have received this message in error or are not the intended addressee or his or her authorized agent, please notify me immediately by e-mail, discard any paper copies and delete all electronic files of this message.

Travis Tolley

From: Andrew Pownall <Andrew.Pownall@carkw.com>
Sent: Monday, November 22, 2021 4:18 PM
To: Travis Tolley
Cc: Jason Grayham
Subject: RE: [External] The Links at the Rock Easement Abandonment

Travis,
CAW has no infrastructure in the easement and no opposition to the abandonment.
Thank you for the information and coordination.

Andrew Pownall, PE
Senior Engineer
Central Arkansas Water
501-377-1342 (Office)
501-218-6898 (Cell)

From: Travis Tolley <Travis.Tolley@craftontull.com>
Sent: Monday, November 22, 2021 3:31 PM
To: Andrew Pownall <Andrew.Pownall@carkw.com>
Cc: Jason Grayham <Jason.Grayham@craftontull.com>
Subject: [External] The Links at the Rock 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.

Hey Andrew,
We are developing Lot 2 Block 1 of The Links at the Rock as a multifamily development located at Paul Eels Drive and Crystal Hill Road. Unrelated to our project (but it came up in the review process), North Little Rock Wastewater is bringing a new 24" sanitary sewer forcemain through our site to serve the City of Maumelle's treatment plant as they have taken ownership and operation of it (my understanding). To work with our development, NLR Wastewater has asked us to abandon a portion of an existing utility easement along our southern property line so that they might have an exclusive easement for this new 24" forcemain.
Attached for your use:

- The current plat showing the easement in question.
- A survey exhibit showing the portion of the easement to be abandoned.
- A description of the portion of the easement to be abandoned.
- A google earth placement marker of our site location.

Travis Tolley

From: Mangan, Suzanne C <suzanne.mangan@centerpointenergy.com>
Sent: Monday, November 22, 2021 3:06 PM
To: Travis Tolley
Cc: Jason Grayham; Burnett, David J
Subject: [External] RE: [External Email] The Links at the Rock Easement Abandonment

Good afternoon Travis,

CenterPoint Energy (CNP) does not object to the proposed "Links at the Rock Lot 2 Block 1" Utility Easement Abandonment as received on 11/22/2021. CenterPoint Energy does not have any active facilities located in the said Utility Easement to be abandoned southeast of the Crystal Hill Rd and Paul Eels Drive intersection. CNP advises calling 811 prior to any excavation activities. If an unexpected discovery of CNP facilities occurs, please call Kevin Clark (501)672-9419 immediately.

Thank you,

CenterPoint. Energy
Suzy (Evenson) Mangan, EI
Associate Engineer | AR/OK Region
501.377.4542 w. | 501.416.8412 c.
CenterPointEnergy.com

From: Travis Tolley <Travis.Tolley@craftontull.com>
Sent: Monday, November 22, 2021 2:32 PM
To: Mangan, Suzanne C <suzanne.mangan@centerpointenergy.com>
Cc: Jason Grayham <Jason.Grayham@craftontull.com>
Subject: [External Email] The Links at the Rock Easement Abandonment

You don't often get email from travis.tolley@craftontull.com Learn why this is important

EXTERNAL EMAIL

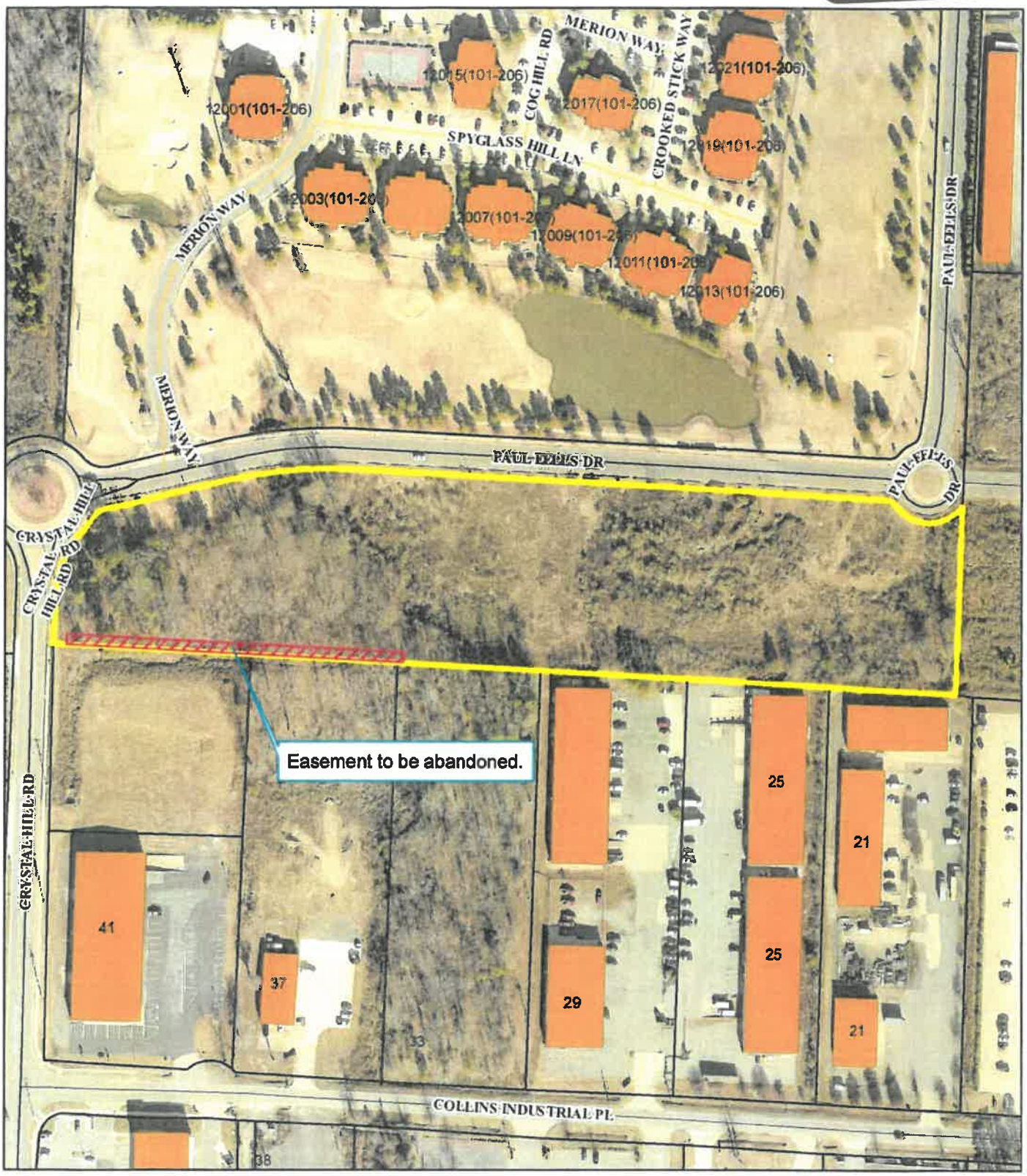
CAUTION: This message originated from outside CenterPoint Energy. Do not click on links, open attachments, or enter data unless you recognize the sender, were expecting the content and know it to be safe.

Hi Ms. Mangan,
As we discussed on the phone, we are developing Lot 2 Block 1 of The Links at the Rock as a multifamily development located at Paul Eels Drive and Crystal Hill Road. Unrelated to our project (but it came up in the review process), North Little Rock Wastewater is bringing a new 24" sanitary sewer forcemain through our site to serve the City of Maumelle's treatment plant as they have taken ownership and operation of it (my understanding). To work with our development,

EXHIBIT

tabbies

Public Hearing Case # 2022-05



Ortho Map

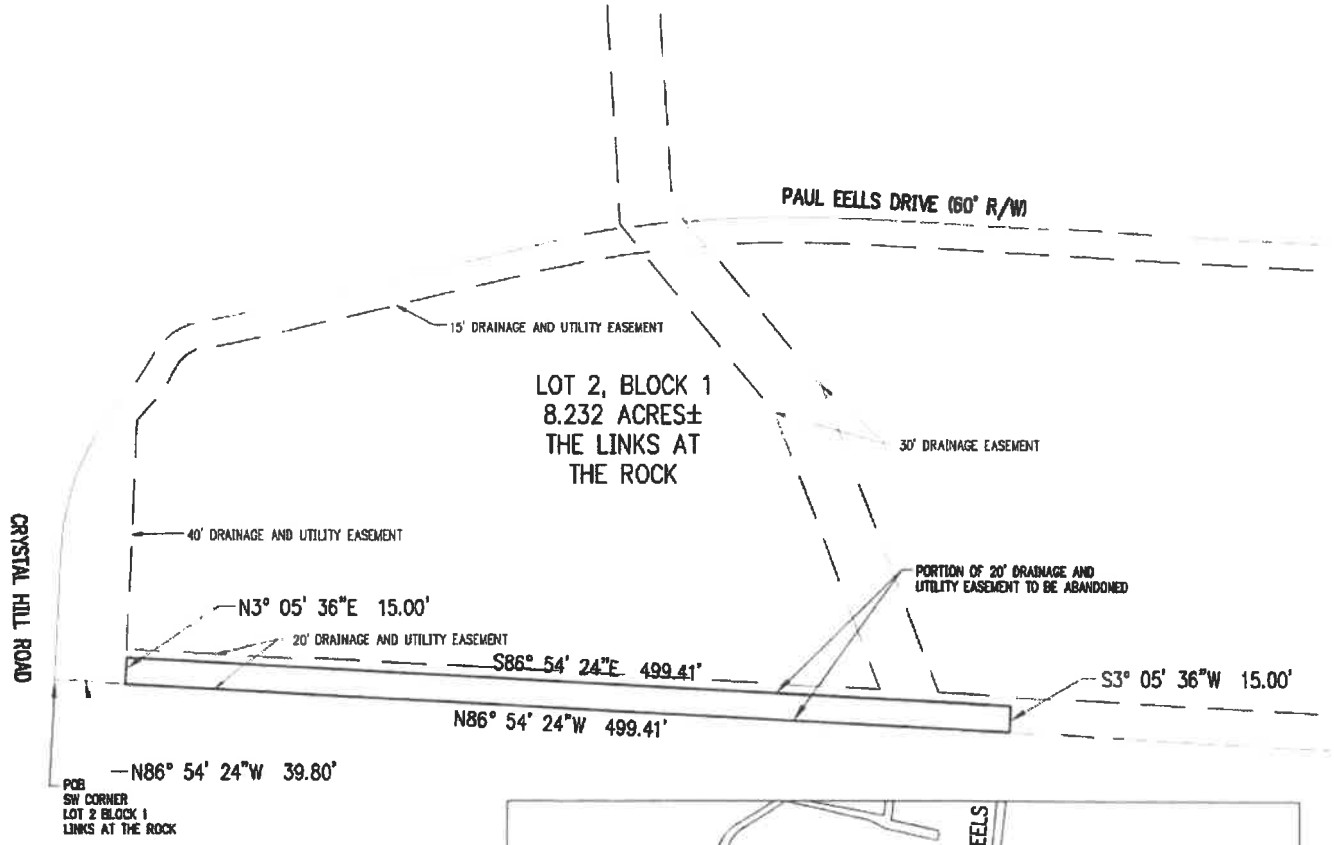
1 inch = 200 feet

0 100 200 400 600 Feet

N W E S

Date: 3/2/2022

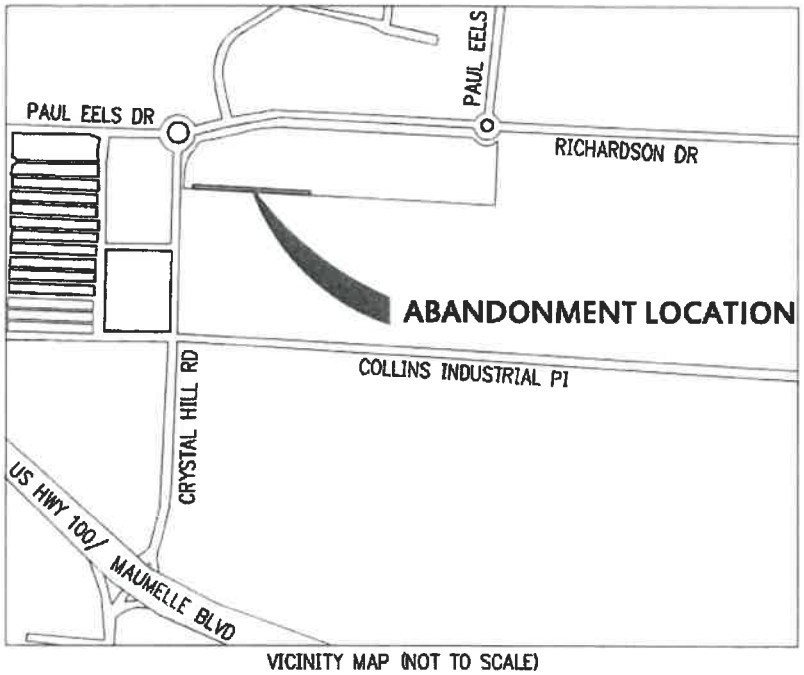
PH 2022-5



EASEMENT ABANDONMENT DESCRIPTION:

A PART OF LOT 2, BLOCK 1, THE LINKS AT THE ROCK, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID LOT 2; THENCE S 86°54'24" E A DISTANCE OF 39.80 FEET TO THE POINT OF BEGINNING; THENCE N 03°05'36" E A DISTANCE OF 15.00 FEET; THENCE S 86°54'24" E A DISTANCE OF 499.41 FEET; THENCE S 03°05'36" W A DISTANCE OF 15.00 FEET; THENCE N 86°54'24" W A DISTANCE OF 499.41 FEET TO THE POINT OF BEGINNING, CONTAINING 7,491.16 SQ. FT. MORE OR LESS.



VICINITY MAP (NOT TO SCALE)

EASEMENT ABANDONMENT EXHIBIT

Project No: 21803000
Issue Date: 02/25/22
Contact: T. TOLLEY
Checked by:

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Little Rock, Arkansas 72211
Crafton Tull
engineering | surveying
501.664.2245 | 501.664.6704
www.craftontull.com

CERTIFICATE OF AUTHORIZATION
CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
INC. 109
ARKANSAS, INC. REG.

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GRAPHIC SCALE IN FEET
100' 0 100'