O-22- 27

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT FORT ROOTS ALONG HILL ROAD ON BEHALF OF THE CENTRAL ARKANSAS VETERAN HEALTHCARE SYSTEM (CAVHS); 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, on August 13, 2018, City Council passed Resolution No. 9487, authorizing the Mayor and City Clerk to execute an Offer to Sell Real Property to the United States Department of Veteran Affairs ("VA") and to sell certain real property located at Fort Roots along Hill Road and east of the intersection of Hill Road and East Drive ("Property"); and

WHEREAS, Thomas Williams has requested, on behalf of the Central Arkansas Veterans Healthcare System ("CAVHS"), that a certain easement located on the Property be vacated for the development of new buildings for the VA Law Enforcement Training Center (see letter from the Mr. Williams, attached hereto as Exhibit A); and

WHEREAS, there are no objections from utility companies to the vacation of the herein described easements (see approvals attached hereto, collectively, as Exhibit B).

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 Fort Roots along Hill Road and east of the intersection of Hill Road and East Drive, more particularly described below.

A TRACT OF LAND FOR A 10' DEDICATED UTILITY AND DRAINAGE EASEMENT IN LOT 1, REPLAT OF R.C.A. ADDITION IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 12 WEST IN PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, THENCE ALONG THE WEST SECTION LINE OF SOUTH 01°21'31" WEST A DISTANCE OF 339.22 FEET TO THE NORTHWEST CORNER OF R.C.A. ADDITION; THENCE CONTINUING SOUTH 01°21'31" WEST A DISTANCE OF 180.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°39'13" EAST A DISTANCE OF 301.42 FEET TO THE WEST LINE OF AN EXISTING 10FT SEWER EASEMENT; THENCE ALONG SAID EXISTING SEWER

EASEMENT SOUTH 28°49'30" EAST A DISTANCE OF 11.57 FEET; THENCE LEAVING SAID EXISTING SEWER EASEMENT NORTH 88°39'13" WEST A DISTANCE OF 307.23 FEET TO THE WEST BOUNDARY LINE; THENCE ALONG SAID WEST BOUNDARY LINE NORTH 01°21'31" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES (3,043.23.S.F.) MORE OR LESS (See map and survey attached, collectively, hereto as Exhibit C).

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

Steve Baxter

Council Member Steve Baxter

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:30 A.M. ___ P.M.
By A. Fields
DATE 4-5-22
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY S. Usery

EXHIBIT
A

North Little Rock City Council

SUBJECT: Abandonment of Utility Easement
Plat of Lot 1, R.C.A. West 1.51 Acres and 1.54 Acres South

Central Arkansas Veterans Healthcare System
North Little Rock, AR

North Little Rock City Council,

We are writing in reference to our previous discussions concerning the abandonment of the existing utility easement of Instrument #2008047674 between Plat of Lot 1, R.C.A. West 1.51 Acres and 1.54 Acres South on the North Little Rock campus of the Central Arkansas Veterans Healthcare System (CAVHS).

In accordance with the list of requirements as provided by the City of North Little Rock, please accept this letter as our formal request to abandon the following easement:

Applicant:
Central Arkansas Veterans Healthcare System (CAVHS)
2200 Fort Roots Drive, Building 1
North Little Rock, AR 72114-1707
501-257-1160

Reason for Abandonment:
We are requesting the abandonment of the easement based on its location within the property that CAVHS recently purchased from the City of North Little Rock in mid-2021. CAVHS is in the process of developing the property to include new buildings for the VA's Law Enforcement Training Center (LETC). The location of the existing easement is prohibitive to the full development of the site thereby limiting the size and location of planned structures which can/will provide support services to the VA. Additionally, there are no utilities which are located within the easement.

In accordance with the request for abandonment, we are including the following enclosures:

- Enclosure 1: Signed letters/emails from the respective utility companies. As you will note, the utility companies do not have any concerns with abandoning the easement.
- Enclosure 2: 8.5 x 11 survey/plat highlighting the easement to be abandoned.
- Enclosure 3: Legal description of the easement to be abandoned.

We respectfully request a formal meeting with you or your representatives to further discuss the utility easement. Additionally, we would welcome the opportunity to meet with and/or present our position to the City Council of North Little Rock.

Sincerely,

THOMAS WILLIAMS

Digitally signed by THOMAS WILLIAMS
Date: 2022.03.02 09:00:10 -06'00'

Thomas Williams
Interim Chief of Engineering
Central Arkansas Healthcare System (CAVHS)

EXHIBIT
tabbies
B

From: Suzanne Mangan
To: Marriott, Joel S.
Cc: Chauncey Taylor; David Burnett
Subject: [EXTERNAL] Re: [External Email] NLR - VA easement abandonment
Date: Wednesday, January 12, 2022 4:28:03 PM
Attachments: image013.png
image014.png
image015.png
image016.png
image017.png
image018.jpg
image.png

Good afternoon,

Our records indicate there are no active Summit Utilities (SUI) facilities located in the aforementioned easement. SUI has no objection to the proposed easement abandonment, and recommends calling Arkansas One Call at 811 or by visiting arkonecall.com to have all utilities located and marked prior to construction. If any exposure of SUI facilities occurs, please contact Dylan Byrd at (501) 366-2028 immediately.

Thanks,

Suzy Mangan
Associate Gas Engineer | Central AR
smangan@summitutilities.com
501.377.4542 | 501.416.8412

From: Mangan, Suzanne C <suzanne.mangan@centerpointenergy.com>
Sent: Wednesday, January 12, 2022 3:37 PM
To: Suzanne Mangan <smangan@summitutilities.com>
Subject: FW: [External Email] NLR - VA easement abandonment

From: Burnett, David J <david.burnett@centerpointenergy.com>
Sent: Friday, January 7, 2022 12:18 PM
To: Mangan, Suzanne C <suzanne.mangan@centerpointenergy.com>
Subject: Fwd: [External Email] NLR - VA easement abandonment

Please review for facilities. I doubt we have anything in this easement. This will be a "no objection" type response. We can review before reply. Thx
Get Outlook for iOS

From: Taylor, Chauncey N <chauncey.taylor@centerpointenergy.com>
Sent: Friday, January 7, 2022 12:04:59 PM

From: GWoodward@nlr.ar.gov
To: Marriott, Joel S.
Cc: EHeinrichs@nlr.ar.gov; JPonder@nlr.ar.gov
Subject: [EXTERNAL] RE: Easement Abandonment
Date: Friday, January 7, 2022 11:11:58 AM
Attachments: image001.png
image002.gif

Shane,

NLRED has no problem with the abandonment. We do need to retain the easement along the West side.

Greg Woodward

Distribution Design Supervisor
North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@nlr.ar.gov
Office: (501) 992-4073
Cell: (501) 680-6134

From: Marriott, Joel S. <Joel.Marriott@va.gov>
Sent: Friday, January 7, 2022 10:53 AM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>
Subject: RE: Easement Abandonment

[External] 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.

Greg,

Here's a copy of the survey with the easement in question highlighted. The photo shows the land that was purchased with green border.

Let me know what else you need.

Thanks,
Shane Marriott
CAVHS
Engineering – P&D
2200 Fort Roots Dr., Bldg. #1
North Little Rock, AR 72114

From: Kerby, Scott
To: Marriott, Joel S.
Cc: Briley, Gina
Subject: [EXTERNAL] RE: Easement Abandonment
Date: Friday, February 4, 2022 10:58:40 AM
Attachments: image001.jpg

Mr. Marriott,

North Little rock Wastewater has no object to the abandonment of the 10' Drainage and Utility easement. Let me know if you need anything further on this issue.

Respectfully,

Scott Kerby, P.E.

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

SKerby@nlrwu.com

From: Briley, Gina <GBriley@nlrwu.com>
Sent: Wednesday, February 2, 2022 4:14 PM
To: Kerby, Scott <skerby@nlrwu.com>
Subject: FW: Easement Abandonment

Scott,

This was sent to me last month from the VA and I have forgotten to forward it to you.

You can see his original message at the bottom of the email.

Can you help?

Thanks

Gina

From: Jim Ferguson
To: Thomas Wray; Marriott, Joel S.
Subject: [EXTERNAL] RE: NLR VA Easement abandonment
Date: Wednesday, January 26, 2022 2:50:13 PM
Attachments: NLR Updated Survey 5-4-20 easement abandonment.pdf

TO WHOM IT MAY CONCERN:

Central Arkansas Water does not currently have a water main or other water facilities, nor do we propose new installations, in the 10 foot Utility and Drainage Easement as shown in the attached May 2020 Garver survey of Lot 1 R.C.A. ADDITION, North Little Rock, Arkansas. Central Arkansas Water does not oppose closure or abandonment of the 10' Utility and Drainage Easement.

Thank you,

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

From: Thomas Wray <Thomas.Wray@carkw.com>
Sent: Wednesday, January 26, 2022 1:53 PM
To: Jim Ferguson <Jim.Ferguson@carkw.com>
Subject: NLR VA Easement abandonment

RE: North Little Rock VA
10' Utility and Drainage Easement Abandonment Request

Jim – I don't see any objections in helping the NLR VA abandon this easement. Do you have any comment on this?

Thanks.

Tom

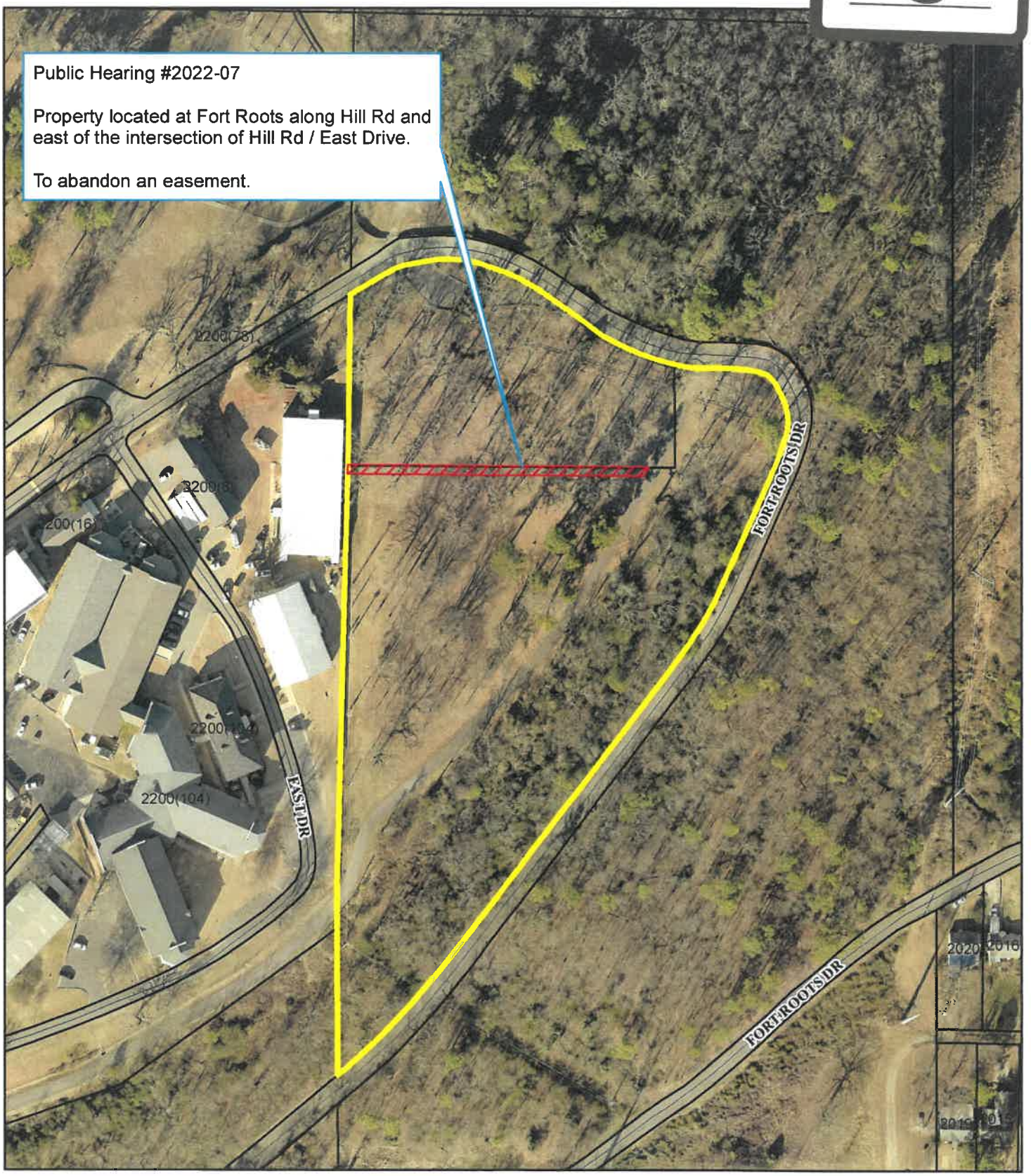
From: Marriott, Joel S. <Joel.Marriott@va.gov>
Sent: Tuesday, January 25, 2022 9:52 AM
To: Thomas Wray <Thomas.Wray@carkw.com>
Subject: [External] NLR VA Easement abandonment

[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.

Mr. Wray

Public Hearing Case # 2022-07

EXHIBIT
C



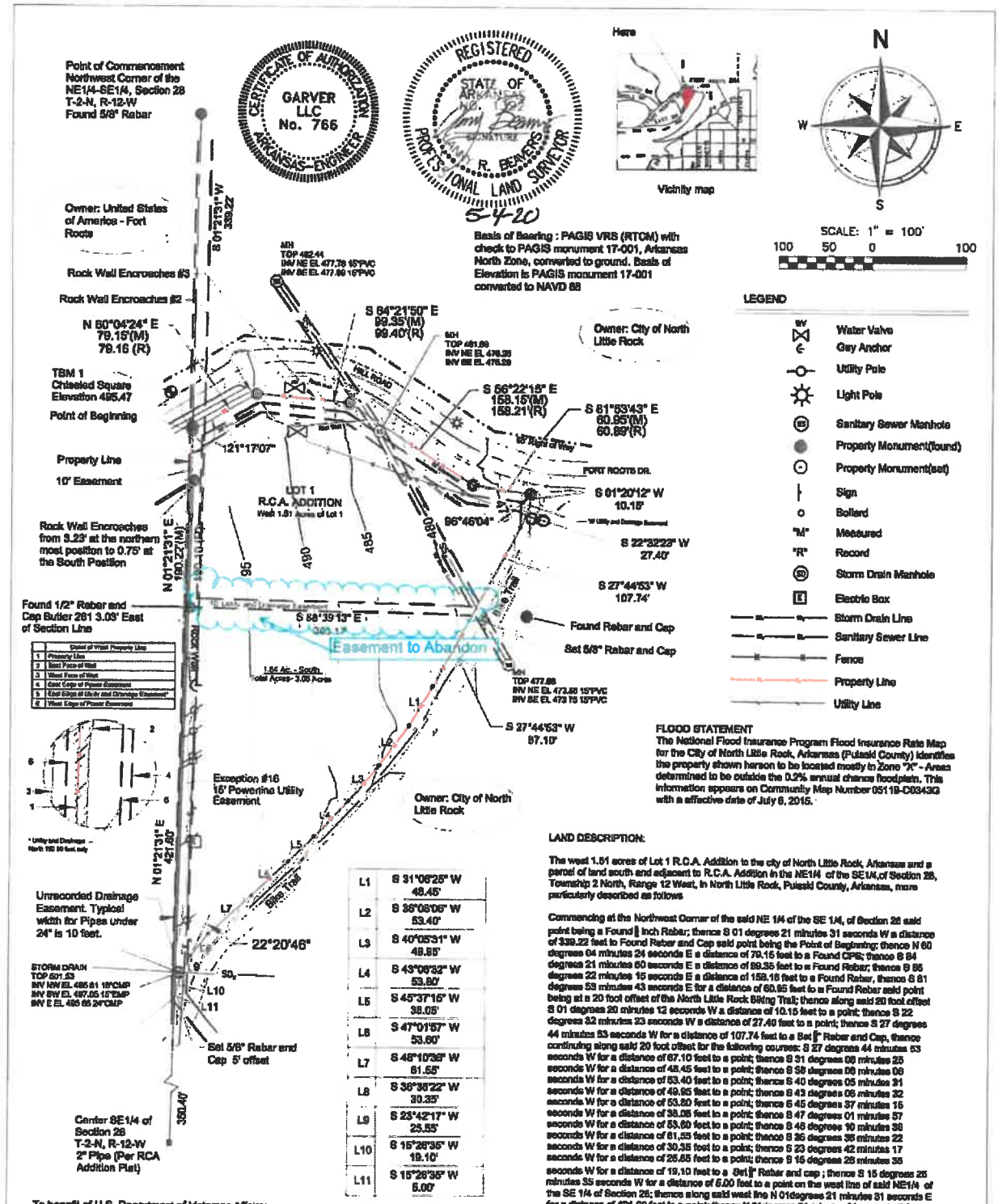
Ortho Map

1 inch = 150 feet

0 75 150 300 450 Feet

N W E S

Date: 4/1/2022



L1	S 31°06'25" W 48.45'
L2	S 38°08'06" W 53.40'
L3	S 40°05'31" W 49.95'
L4	S 43°06'32" W 53.80'
L5	S 45°37'16" W 38.05'
L6	S 47°01'57" W 53.60'
L7	S 48°10'36" W 61.55'
L8	S 36°38'22" W 30.35'
L9	S 23°42'17" W 25.55'
L10	S 15°26'35" W 19.10'
L11	S 15°26'35" W 5.00'

FLOOD STATEMENT

The National Flood Insurance Program Flood Insurance Rate Map for the City of North Little Rock, Arkansas (Pulaski County) identifies the property shown hereon to be located mostly in Zone "X" - Areas determined to be outside the 0.2% annual chance floodplain. This information appears on Community Map Number 05119-C0343G with a effective date of July 6, 2015.

LAND DESCRIPTION:

The west 1.51 acres of Lot 1 R.C.A. Addition to the city of North Little Rock, Arkansas and a parcel of land south and adjacent to R.C.A. Addition in the NE1/4 of the SE1/4,of Section 28, Township 2 North, Range 12 West, in North Little Rock, Pulaski County, Arkansas, more particularly described as follows

Commencing at the Northwest Corner of the said NE 1/4 of the SE 1/4, of Section 28 said point being a Found ‖ Inch Rebar; thence S 01 degrees 21 minutes 31 seconds W a distance of 339.22 feet to Found Rebar and Cap said point being the Point of Beginning; thence N 60 degrees 04 minutes 24 seconds E a distance of 79.15 feet to a Found CPE; thence S 84 degrees 21 minutes 50 seconds E a distance of 99.35 feet to a Found Rebar; thence S 56 degrees 22 minutes 15 seconds E a distance of 158.15 feet to a Found Rebar, thence S 61 degrees 53 minutes 43 seconds E for a distance of 60.95 feet to a Found Rebar said point being at a 20 foot offset of the North Little Rock Biking Trail; thence along said 20 foot offset S 01 degrees 20 minutes 12 seconds W a distance of 10.15 feet to a point; thence S 22 degrees 32 minutes 23 seconds W a distance of 27.40 feet to a point; thence S 27 degrees 44 minutes 53 seconds W for a distance of 107.74 feet to a Set ‖" Rebar and Cap, thence continuing along said 20 foot offset for the following courses: S 27 degrees 44 minutes 53 seconds W for a distance of 87.10 feet to a point; thence S 31 degrees 06 minutes 25 seconds W for a distance of 48.45 feet to a point; thence S 38 degrees 08 minutes 06 seconds W for a distance of 53.40 feet to a point; thence S 40 degrees 05 minutes 31 seconds W for a distance of 49.95 feet to a point; thence S 43 degrees 06 minutes 32 seconds W for a distance of 53.80 feet to a point; thence S 45 degrees 37 minutes 15 seconds W for a distance of 38.05 feet to a point; thence S 47 degrees 01 minutes 57 seconds W for a distance of 53.60 feet to a point; thence S 48 degrees 10 minutes 36 seconds W for a distance of 61.55 feet to a point; thence S 36 degrees 38 minutes 22 seconds W for a distance of 30.35 feet to a point; thence S 23 degrees 42 minutes 17 seconds W for a distance of 25.55 feet to a point; thence S 15 degrees 26 minutes 35 seconds W for a distance of 19.10 feet to a Set ‖" Rebar and cap ; thence S 15 degrees 26 minutes 35 seconds W for a distance of 5.00 feet to a point on the west line of said NE1/4 of the SE 1/4 of Section 28; thence along said west line N 01degrees 21 minutes 31 seconds E for a distance of 421.80 feet to a point; thence N 01degrees 21 minutes 31 seconds E for a distance of 190.22 feet to the Point of Beginning, containing a total of 3.05 Acres (132,993.99 S.F.) more or less. (Note: This parcel contains 1.51 Acres (65,904.78) from R.C.A Addition and 1.54 Acres (67,089.15 S.F.) of newly described land.)

To benefit of U.S. Department of Veterans Affairs:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, "jointly established and adopted by ALTA and National Society of Professional Surveyors, Inc. (NSPS) in 2016, and includes items 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14 and 15 of Table A thereof as attached hereto. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Arkansas, the maximum Relative Positional Accuracy is within plus or minus 0.25 feet which satisfies Urban Class A properties.

Date: 5-4-20
Signed: Lanny Beavers
Registration No. 1392

CERTIFICATION OF SURVEY

I Lanny R. Beavers, Arkansas Registered Land Surveyor No. 1392, hereby certify that a survey crew of Garver LLC under my direction has performed a survey of the property described hereon, and that this plat is an accurate portrayal of the survey results.

Lanny R. Beavers, RLS — Date 5-4-20

SHEET NUMBER 1

The Craddock Group, LLC
3033 Wilson Blvd. Ste. 700
Arlington, VA 22201

ALTA - U.S. Department of Veteran Affairs - RCA Addition and South Area

GARVER, LLC
4701 Northshore Drive
North Little Rock, AR 72118
(501) 376-3633
Lanny R. Beavers, PS

JOB NO.:	1801-6005
DATE:	May. 2020
CHECKED BY:	LRB
DRAWN BY:	DDH
SCALE:	AS SHOWN

GARVER