O-22-30

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 1302 EAST 8TH STREET 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, Clayton Vaden, on behalf of Safe Foods, has requested that a certain easement located at 1302 East 8th Street be vacated to make way for improvements on the property (see letter from Mr. Vaden, 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 1302 East 8th Street (see Easement Description and maps attached respectively hereto as Exhibit D and E).

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 Linda Robinson

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:55 A.M. ___ P.M.
By M. Miller
DATE 4.19.22

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

RECEIVED BY S. Usserg

EXHIBIT
A

LEWIS ARCHITECTS ENGINEERS
ELLIOTT • MCMORRAN • VADEN
RAGSDALE • WOODWARD • INCORPORATED
501.223.9302 • FAX 501.223.9909 • WWW.LEMVRW.COM

April 1, 2022

Mayor and City Council
City of North Little Rock
300 Main St
North Little Rock, AR 72114

Re: Easement Abandonment – Safe Foods

Dear Mayor Hartwick and City Council Members,

We are respectfully requesting to abandon the easement highlighted on the attached survey. This property is located at the northeast corner of Beech and 8th Streets. The property was recently purchased by Safe Foods and they have some improvements planned in the area of the easement.

Sincerely,

Clayton Vaden, AIA

CV/ag

11225 HURON LANE • SUITE 104 • LITTLE ROCK, AR 72211

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

Re: Easement Abandonment – Safe Foods

NLR Planning has no objection to abandon the easement at Safe Foods.

Shawn Spencer

EXHIBIT
C

Minton Engineering

From: GWoodward@nlr.ar.gov
Sent: Monday, March 28, 2022 9:14 AM
To: josh@mintoneng.com; SSpencer@nlr.ar.gov
Cc: cvaden@lemvrw.com
Subject: RE: Safe Foods - Easement Abandonment

Josh,

It all looks good to me.

Thanks,
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: Josh Minton <mintoneng@gmail.com> **On Behalf Of** Minton Engineering
Sent: Thursday, March 24, 2022 2:52 PM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>; Spencer, Shawn <SSpencer@nlr.ar.gov>
Cc: 'Clayton Vaden' <cvaden@lemvrw.com>
Subject: Safe Foods - 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.

Greg, Richard Fish with Porbeck Engineering met with Brandon Wilson, below is the solution they came up with:

The proposed plan is indicated on the attached drawing. NLR Electric will place a new pole in the existing line coming from the North as it crosses the Safe Foods property line. This will serve as the point of transition from overhead to underground and all overhead lines south of this point will be removed. One underground feed will be installed south following the path of the removed overhead line to a new terminal box that will connect to the existing underground feed to the plant. Another underground feed will go to a new pad mount transformer for the new blend plant. The request is to abandon the existing easement for the overhead line that is to be removed and replace it with a 10' easement for the new underground installation.

Attached is the plan from Porbeck along with a highlighted sketch showing the easement we are requesting to abandon along with the new 10' easement. Let me know if this is acceptable so we can proceed with abandoning the easement.

Thanks - Josh

Minton Engineering

From: Andrew Pownall <Andrew.Pownall@carkw.com>
Sent: Tuesday, February 15, 2022 1:43 PM
To: Minton Engineering
Subject: RE: [External] Easement Abandonment - Safe Foods

CAW has no objection to abandon the easement.

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

From: Josh Minton <mintoneng@gmail.com> **On Behalf Of** Minton Engineering
Sent: Tuesday, February 15, 2022 1:15 PM
To: sspencer@nlr.ar.gov; treavis@nlr.ar.gov; Andrew Pownall <Andrew.Pownall@carkw.com>; 'Kerby, Scott' <SKerby@nlrwu.com>; DCook@nlr.ar.gov; gwoodward@nlr.ar.gov
Cc: 'Clayton Vaden' <cvaden@lemvrw.com>
Subject: [External] Easement Abandonment - Safe Foods

[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.

We are requesting to abandon the easement highlighted on the attached survey. This property is located at the northeast corner of Beech and 8th Streets. The property was recently purchased by Safe Foods and they have some improvements planned in the area of the easement. Plans showing the proposed improvements will be submitted to the Planning department next week. Let me know if you have any questions or concerns. Please respond to this email by stating:

a) We have no concerns abandoning the easement.
b) We do not support abandoning the easement because _____.

Shawn/Tim, let me know if there is anyone else I need to notify.

Thanks - Josh

minton
Josh Minton, PE
305 North Port Drive
Cabot, AR 72023
(501) 941-6886

Minton Engineering

From: Kerby, Scott <skerby@nlrwu.com>
Sent: Tuesday, February 15, 2022 2:38 PM
To: Minton Engineering; sspencer@nlr.ar.gov; treavis@nlr.ar.gov; 'Andrew Pownall'; DCook@nlr.ar.gov; gwoodward@nlr.ar.gov
Cc: 'Clayton Vaden'
Subject: RE: Easement Abandonment - Safe Foods

Josh,

NLRW has no concerns abandoning the easement.

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: Josh Minton <mintoneng@gmail.com> **On Behalf Of** Minton Engineering
Sent: Tuesday, February 15, 2022 1:15 PM
To: sspencer@nlr.ar.gov; treavis@nlr.ar.gov; 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Kerby, Scott <skerby@nlrwu.com>; DCook@nlr.ar.gov; gwoodward@nlr.ar.gov
Cc: 'Clayton Vaden' <cvaden@lemvrw.com>
Subject: Easement Abandonment - Safe Foods

We are requesting to abandon the easement highlighted on the attached survey. This property is located at the northeast corner of Beech and 8th Streets. The property was recently purchased by Safe Foods and they have some improvements planned in the area of the easement. Plans showing the proposed improvements will be submitted to the Planning department next week. Let me know if you have any questions or concerns. Please respond to this email by stating:

a) We have no concerns abandoning the easement.
b) We do not support abandoning the easement because _____.

Shawn/Tim, let me know if there is anyone else I need to notify.

Thanks - Josh

Minton Engineering

From: DCook@nlr.ar.gov
Sent: Thursday, February 17, 2022 12:24 PM
To: josh@mintoneng.com; SSpencer@nlr.ar.gov; TReavis@nlr.ar.gov; Andrew.Pownall@carkw.com; skerby@nlrwu.com; GWoodward@nlr.ar.gov
Cc: cvaden@lemvrw.com
Subject: RE: Easement Abandonment - Safe Foods

NLR Engineering has no concerns 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: Josh Minton <mintoneng@gmail.com> **On Behalf Of** Minton Engineering
Sent: Tuesday, February 15, 2022 1:15 PM
To: Spencer, Shawn <SSpencer@nlr.ar.gov>; Reavis, Timothy <TReavis@nlr.ar.gov>; 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Scott Kerby <skerby@nlrwu.com>; Cook, David <DCook@nlr.ar.gov>; Woodward, Gregory <GWoodward@nlr.ar.gov>
Cc: 'Clayton Vaden' <cvaden@lemvrw.com>
Subject: Easement Abandonment - Safe Foods

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.

We are requesting to abandon the easement highlighted on the attached survey. This property is located at the northeast corner of Beech and 8th Streets. The property was recently purchased by Safe Foods and they have some improvements planned in the area of the easement. Plans showing the proposed improvements will be submitted to the Planning department next week. Let me know if you have any questions or concerns. Please respond to this email by stating:

a) We have no concerns abandoning the easement.
b) We do not support abandoning the easement because _____.

Shawn/Tim, let me know if there is anyone else I need to notify.

Thanks - Josh

minton
Josh Minton, PE
300 North Pace Drive
Cabot, AR 72023
(501) 941-8868

Disclaimer

EXHIBIT

tabbies

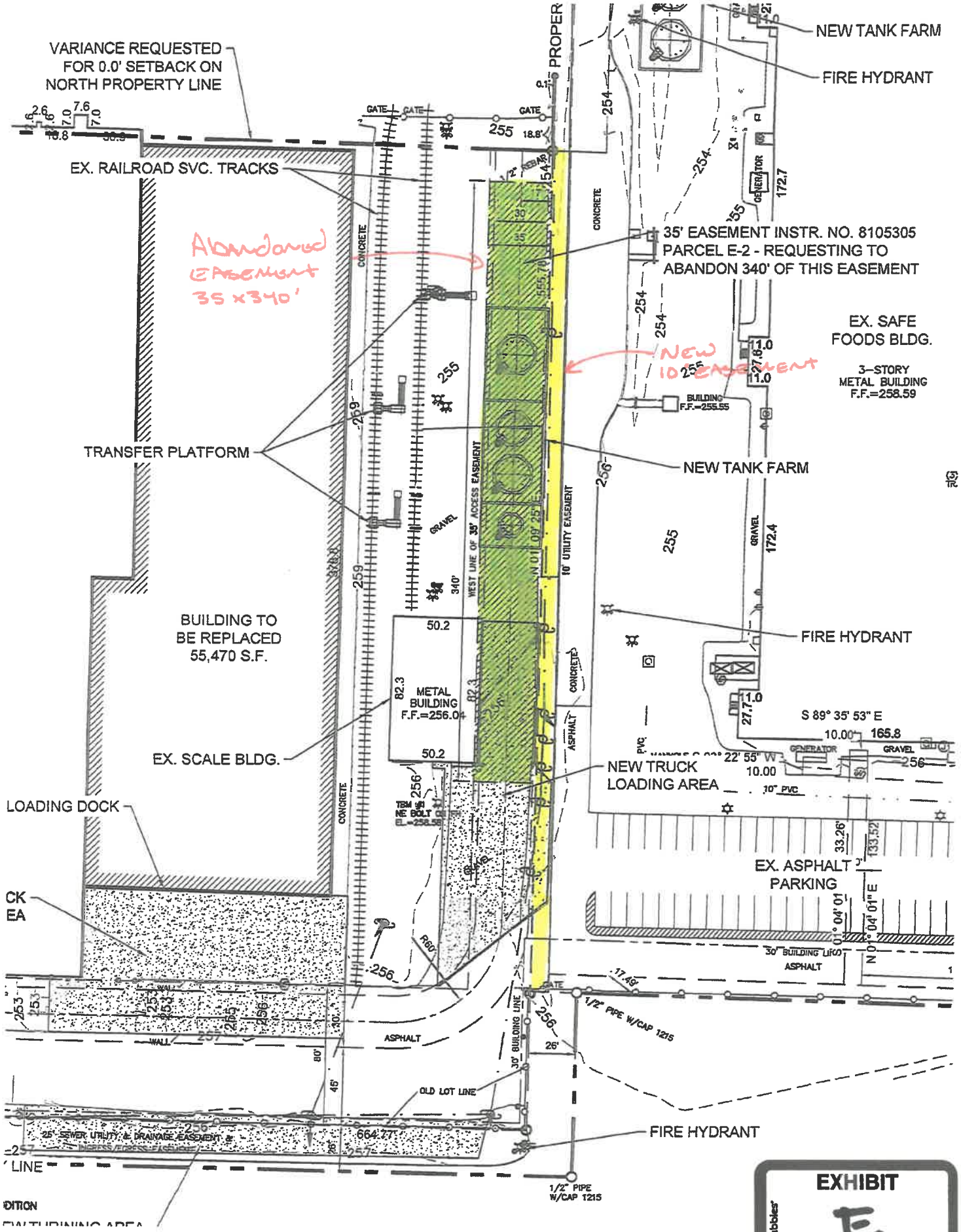
D

LEGAL DESCRIPTION EASEMENT ABANDONMENT

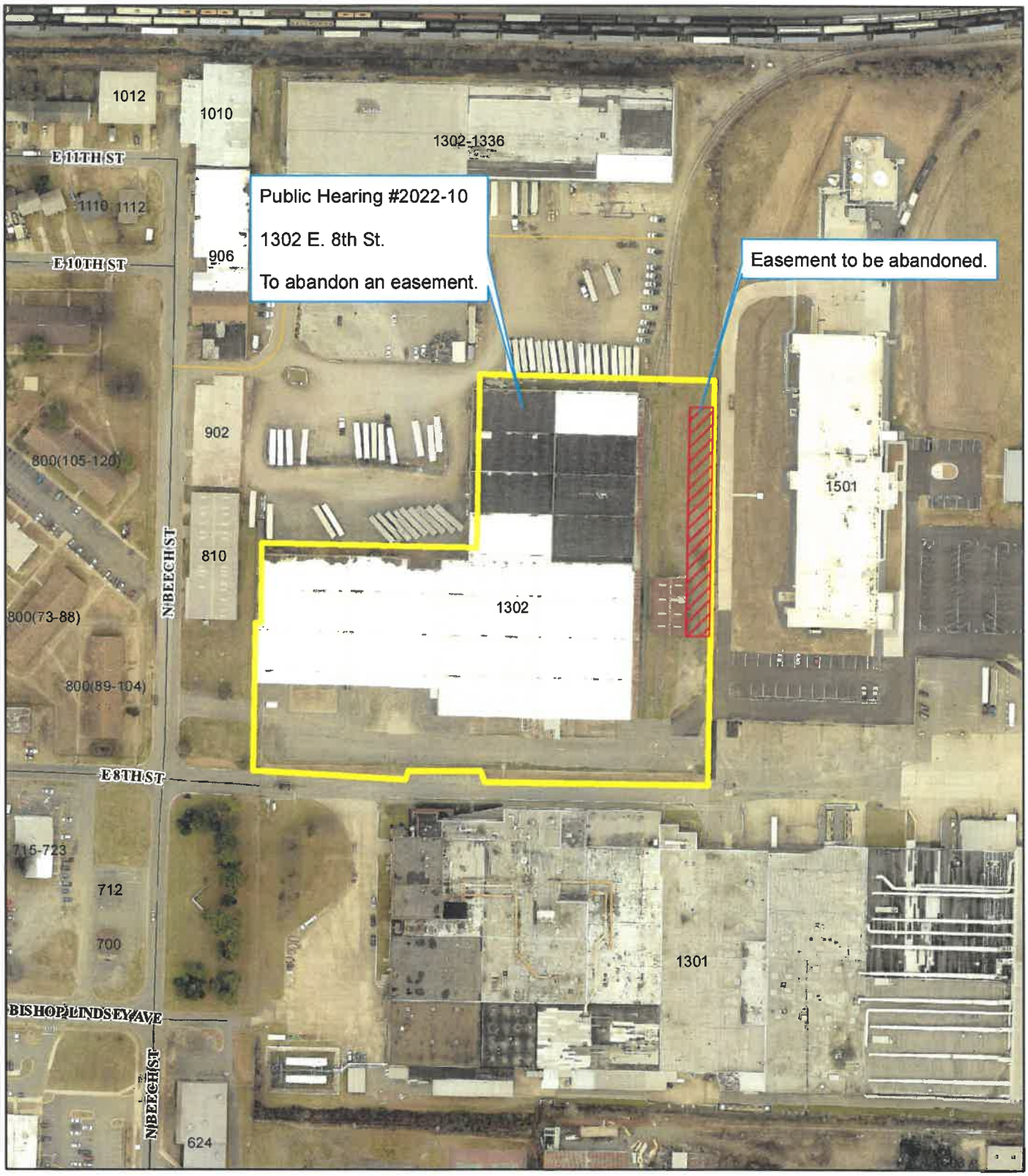
LOT 2R, 8TH STREET INDUSTRIAL ADDITION

A TRACT OF LAND IN THE SW1/4 NW 1/4 AND IN THE NW1/4 SW 1/4, SECTION 36, TOWNSHIP 2 NORTH, RANGE 12 WEST, NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1;
THENCE N 01°22' 26" E FOR 358.36 FEET;
THENCE S 88° 35' 03" E FOR 4.00 FEET;
THENCE S 00° 36' 08" E FOR 19.14 FEET;
THENCE S 89° 34' 06" E FOR 159.60 FEET;
THENCE N 00° 29' 10" E FOR 3.50 FEET;
THENCE S 89° 34' 06" E FOR 11.80 FEET;
THENCE S 00° 29' 10" W FOR 3.50 FEET;
THENCE S 89° 34' 06" E FOR 122.72 FEET;
THENCE N 00° 29' 10" E FOR 3.50 FEET;
THENCE N 89° 34' 06" W FOR 14.20 FEET;
THENCE N 00° 29' 10" E FOR 65.06 FEET;
THENCE N 89° 34' 06" W FOR 3.50 FEET;
THENCE N 00° 29' 10" E FOR 11.80 FEET;
THENCE S 89° 34' 06" E FOR 3.50 FEET;
THENCE N 00° 29' 10" E FOR 161.71 FEET;
THENCE S 88° 04' 11" E FOR 354.24 FEET TO A 1/2" REBAR ON THE WEST LINE OF LOT 2, 8TH INDUSTRIAL ADDITION;
THENCE S 01° 09' 25" W FOR 18.62 FEET TO THE POINT OF BEGINNING (EASEMENT TO BE ABANDONED),
THENCE S 01° 09' 25" W FOR 340 FEET;
THENCE N 88° 50' 35" W FOR 35 FEET;
THENCE N 01° 09' 25" E FOR 340 FEET;
THENCE S 88° 50' 35" E FOR 35 FEET TO THE POINT OF BEGINNING.


VARIANCE REQUESTED FOR 0.0' SETBACK ON NORTH PROPERTY LINE
EX. RAILROAD SVC. TRACKS
Abandoned EASEMENT 35 x 340'
35' EASEMENT INSTR. NO. 8105305 PARCEL E-2 - REQUESTING TO ABANDON 340' OF THIS EASEMENT
NEW 10' EASEMENT
EX. SAFE FOODS BLDG.
3-STORY METAL BUILDING F.F.=258.59
BUILDING F.F.=255.55
NEW TANK FARM
FIRE HYDRANT
TRANSFER PLATFORM
NEW TANK FARM
FIRE HYDRANT
BUILDING TO BE REPLACED 55,470 S.F.
METAL BUILDING F.F.=256.04
EX. SCALE BLDG.
NEW TRUCK LOADING AREA
LOADING DOCK
EX. ASPHALT PARKING
S 89° 35' 53" E
10.00
165.8
N 01° 04' 01" E
30' BUILDING LINE
ASPHALT
1/2" PIPE W/CAP 1215
OLD LOT LINE
25' SEWER UTILITY & DRAINAGE EASEMENT
FIRE HYDRANT
1/2" PIPE W/CAP 1215
GATE
CONCRETE
GRAVEL
GENERATOR
10' UTILITY EASEMENT
WEST LINE OF 35' ACCESS EASEMENT
PROPER
EXHIBIT
E

Public Hearing Case # 2022-10



Ortho Map

1 inch = 200 feet

0 100 200 400 600 Feet

N W E S

Date: 4/1/2022