O-22-55

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING AN UNUSED RIGHT OF WAY LOCATED WITHIN CERTAIN REAL PROPERTY DONATED FROM THE CITY OF NORTH LITTLE ROCK TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE INTERSTATE 30 AND INTERSTATE 40 WIDENING AND RECONSTRUCTION PROJECT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 67 of 1885 provides that cities of the first class may vacate and abandon rights of way and easements not required for municipal purposes; and

WHEREAS, on September 28, 2020, the City Council of North Little Rock adopted Resolution No. 9929, authorizing the Mayor and City Clerk to donate certain real property located at Cypress Street and Ferry Street to the Arkansas Department of Transportation (ARDOT) for the completion of the Interstate 30 and Interstate 40 Widening and Reconstruction Project ("Project"); and

WHEREAS, Blew & Associates, P.A. has requested, on behalf of Quattlebaum, Grooms, & Tull PLLC that the City of North Little Rock vacate an unused right of way located within the deeded land for the development of a billboard sign; and

WHEREAS, there are no objections from utility companies to the vacation of the herein described right of way (see approvals collectively attached hereto Exhibit A); and

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

SECTION 1: That the interests of the City of North Little Rock in an unused right of way located within the herein described property donated to the Arkansas Department of Transportation (as shown on the map attached hereto as Exhibit B) are hereby vacated and abandoned, said abandonment being more fully described as follows:

VACATED RIGHT OF WAY DESCRIPTION:

A PART OF UNIMPROVED S. CYPRESS ST AND A PART OF UNIMPROVED FERRY AVENUE, LYING BETWEEN BLOCKS A, B, 4 AND 5, ORIGINAL CITY OF ARGENTA ADDITION, CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A SET NAIL MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 5 OF SAID CITY OF ARGENTA ADDITION, BEING THE NORTHEAST INTERSECTION OF SAID S. CYPRESS STREET AND FERRY

AVENUE AND RUNNING THENCE S01°36'53"W 49.96' TO A SET NAIL IN THE RIGHT OF WAY OF SAID FERRY AVENUE, THENCE THROUGH SAID FERRY AVENUE RIGHT OF WAY N88°37'57"W 59.97' TO A POINT, THENCE CONTINUING THROUGH SAID FERRY AVENUE RIGHT OF WAY N01°32T5"E 50.00' TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 4 OF SAID CITA' OF ARGENTA ADDITION, THENCE THROUGH THE RIGHT OF WAY OF SAID S. CYPRESS STREET S88°35'39"E 60.03' BACK TO THE POINT OF BEGINNING. CONTAINING 2,999 SQUARE FEET OR 0.069 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

SECTION 2: That any and all other utility and drainage easements not the subject of this legislation within the property described above shall be unaffected by this Ordinance.

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 herein described abandonment will not interfere with the continued use of the subject road and electrical easements, and 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:

/s/ Terry C. Hartwick
Mayor Terry C. Hartwick

ATTEST

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 11:35 A.M. _____ P.M.
By M.Miller
DATE 6/21/22

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

RECEIVED BY _____

EXHIBIT
tabbies
A

Blew & Associates, P.A.
Professional Land Surveyors

3825 N. Shiloh Dr., Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
http://www.blewinc.com

To Whom It May Concern,

Blew & Associates, P.A. is seeking right-of-way abandonment approval from the City of North Little Rock, Arkansas on behalf of Quattlebaum, Grooms & Tull PLLC.

The property in question is located west of interstate 30 and south of Riverfront Dr. in North Little Rock, Arkansas as shown per the provided documents: Exhibit A – Proposed R/W Abandonment Plat, Exhibit B – Aerial Map, Exhibit C – Google Earth kmz file. The proposed R/W abandonment description according to the 'Right-of-Way Abandonment Plat' is as follows:

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Step #3 in 'Steps in closing a street or alley (abandoning ROW)' is outlined below:

> Provide a signed letter from all utilities (electric, water, gas, sewer, phone, fiber, etc.) and City Departments (Fire, Police, Planning, Traffic, Engineering, Planning, Sanitation).
> Letters need to state 1 of 3 choices (and any explanations):
> - ☑ a. They have no concerns closing the street/alley/ROW
> - ☐ b. They have no concerns, but they want to retain an easement
> - ☐ c. They do not support closing the street/alley/ROW because ...

Upon review of the right-of-way description, and the additional documents provided, please select one of the above three options. Use the space provided below for any comments, if needed.

Central Arkansas Water does not now and does not plan to have any water facilities in the proposed closing area. CAW does not object to the proposed closing.

Name: Jim Ferguson

Date: 5/11/2022

Job Title: Director of Engineering

Company: Central Arkansas Water

Signature: Jim E Ferguson

Blew & Associates, P.A.
Professional Land Surveyors

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_____

_____

Name: Greg Woodward

Date: 5/11/2022

Job Title: Distribution Design Supervisor

Company: North Little Rock Electric

Signature: Greg Woodward

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_____

_____

Name: Jim Milum

Job Title: GIS Coordinator

Company: North Little Rock Wastewater

Date: 6/9/2022

Signature: Jim Milum

Trevino, Kim

From: Fields, Amy
Sent: Wednesday, June 15, 2022 10:02 AM
To: Trevino, Kim
Subject: ROW Abandonment

From: Breedlove, Condo <CBreedlove@nlr.ar.gov>
Sent: Wednesday, June 15, 2022 8:28 AM
To: Fields, Amy <AFields@nlr.ar.gov>
Subject: RE: ASHC vs. Schlereth; 60CV-20-6737

Amy,

Sanitation Department does not have any concerns to closing the ROW in question.

Thank you,

Condo Breedlove
Sanitation Director
City of North Little Rock

Trevino, Kim

From: Fields, Amy
Sent: Wednesday, June 15, 2022 10:06 AM
To: Trevino, Kim
Subject: ROW Abandonment

See email from Traffic re right of way abandonment.

From: Stephens Sr, Kenny A <KAStephens@nlr.ar.gov>
Sent: Tuesday, June 14, 2022 2:49 PM
To: Cook, David <DCook@nlr.ar.gov>; Fields, Amy <AFields@nlr.ar.gov>; Cliff McKinney <cmckinney@qgtlaw.com>
Cc: Thessing, Patrick <Pat.Thessing@nlrpolice.org>; Breedlove, Condo <CBreedlove@nlr.ar.gov>; Trevino, Kim <KRTrevino@nlr.ar.gov>
Subject: RE: ASHC vs. Schlereth; 60CV-20-6737

Traffic has no concerns with ROW abandonment. Thanks.

Kenny A. Stephens Sr.
Traffic Department Director
Safety Department Director
City of North Little Rock
Cell Number: 501 951-2397
Fax Number: 501 371-8350

r viruses and malware.

Trevino, Kim

From: Fields, Amy
Sent: Wednesday, June 15, 2022 10:03 AM
To: Trevino, Kim
Subject: ROW abandonment

See email from NJLRPD re ROW abandonment

From: Thessing, Patrick <Pat.Thessing@nlrpolice.org>
Sent: Tuesday, June 14, 2022 4:57 PM
To: Fields, Amy <AFields@nlr.ar.gov>
Subject: Re: ASHC vs. Schlereth; 60CV-20-6737

I have no objections.

DocuSign Envelope ID: 2AB632F2-DA71-4652-870B-7D33E8F1159A

Blew & Associates, P.A.

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Upon review of the right-of-way description, and the additional documents provided, please select one of the above three options. Use the space provided below for any comments, if needed.

_____

_____

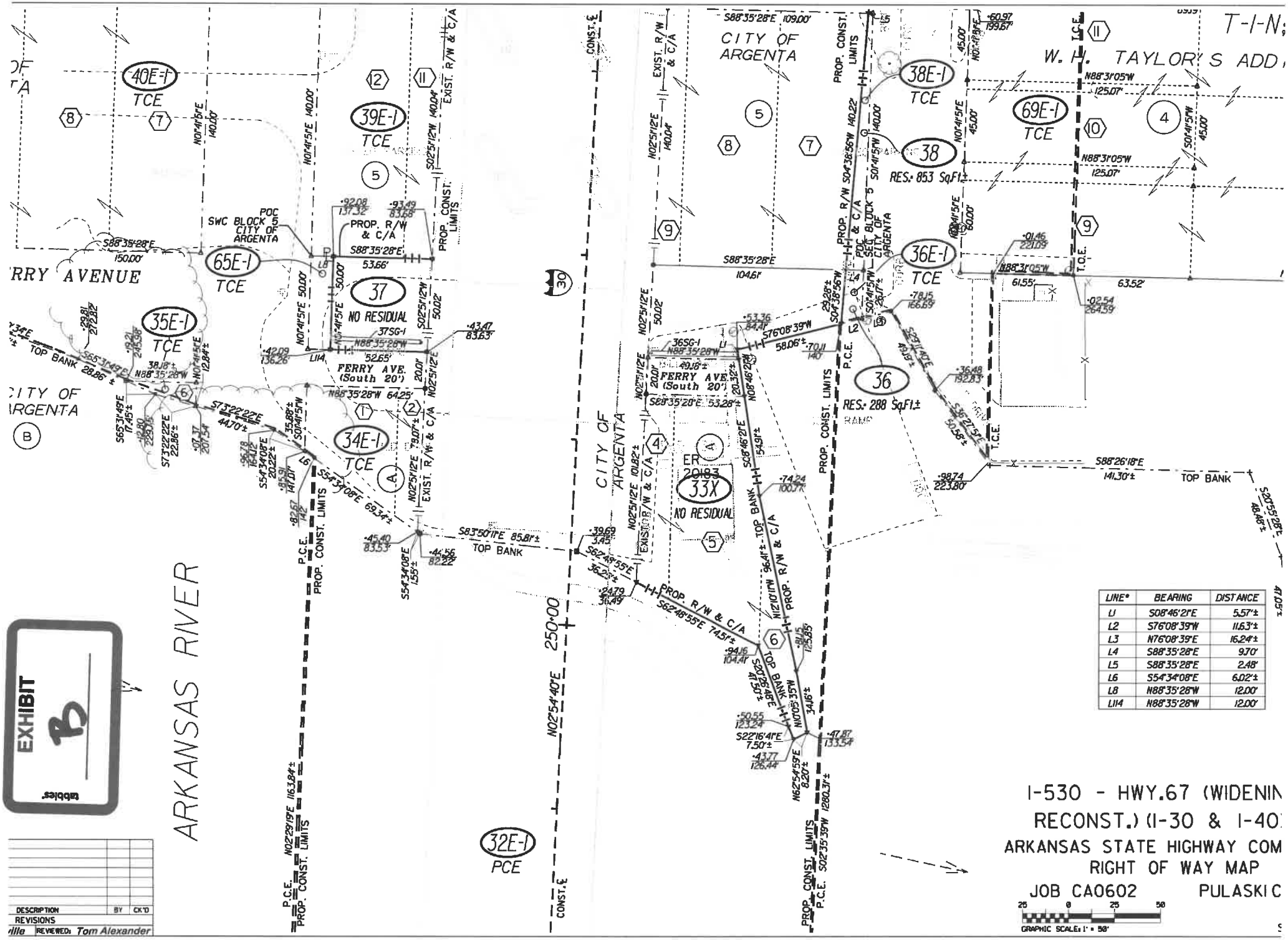
Name: Sofia Musyoki

Date: Jun 6, 2022

Job Title: Princ. Engr Ntwk-Reg/RE

Company: MCImetro Access Transmission Services LLC dba Verizon Access Transmission Services and MCI Communications Services LLC.

Signature: Sofia Musyoki



LINE#	BEARING	DISTANCE
L1	S08°46'21"E	5.57'±
L2	S76°08'39"W	11.63'±
L3	N76°08'39"E	16.24'±
L4	S88°35'28"E	9.70'
L5	S88°35'28"E	2.48'
L6	S54°34'08"E	6.02'±
L8	N88°35'28"W	12.00'
L114	N88°35'28"W	12.00'

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Summit Utilities does not have any facilties within the area to be vacated.

Name: David Burnett

Date: 5/11/2022

Job Title: Engineering Manager

Company: Summit Utilities Arkansas

Signature: David Burnett

Blew & Associates, P.A.
Professional Land Surveyors

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_____

_____

Name: Charlene White

Date: 5/12/2022

Job Title: VP Real Estate

Company: Unite Private Networks, LLC

Signature: Charlene White Digitally signed by Charlene White Date: 2022.05.12 11:39:34 -05'00'

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n/a

Name: Bruce Sims

Date: 5/17/2022

Job Title: Construction Manager III OSP

Company: Windstream

Signature: Bruce Sims

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The property in question is located west of interstate 30 and south of Riverfront Dr. in North Little Rock, Arkansas as shown per the provided documents: Exhibit A – Proposed R/W Abandonment Plat, Exhibit B – Aerial Map, Exhibit C – Google Earth kmz file. The proposed R/W abandonment description according to the 'Right-of-Way Abandonment Plat' is as follows:

> A PART OF UNIMPROVED S. CYPRESS ST AND A PART OF UNIMPROVED FERRY AVENUE, LYING BETWEEN BLOCKS A, B, 4 AND 5, ORIGINAL CITY OF ARGENTA ADDITION, CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET NAIL MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 5 OF SAID CITY OF ARGENTA ADDITION, BEING THE NORTHEAST INTERSECTION OF SAID S. CYPRESS STREET AND FERRY AVENUE AND RUNNING THENCE S01°36'53"W 49.96' TO A SET NAIL IN THE RIGHT OF WAY OF SAID FERRY AVENUE, THENCE THROUGH SAID FERRY AVENUE RIGHT OF WAY N88°37'57"W 59.97' TO A POINT, THENCE CONTINUING THROUGH SAID FERRY AVENUE RIGHT OF WAY N01°32T5"E 50.00' TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 4 OF SAID CITA' OF ARGENTA ADDITION, THENCE THROUGH THE RIGHT OF WAY OF SAID S. CYPRESS STREET S88°35'39"E 60.03' BACK TO THE POINT OF BEGINNING. CONTAINING 2,999 SQUARE FEET OR 0.069 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

Step #3 in 'Steps in closing a street or alley (abandoning ROW)' is outlined below:

> Provide a signed letter from all utilities (electric, water, gas, sewer, phone, fiber, etc.) and City Departments (Fire, Police, Planning, Traffic, Engineering, Planning, Sanitation).
> Letters need to state 1 of 3 choices (and any explanations):
> - ☑ a. They have no concerns closing the street/alley/ROW
> - ☐ b. They have no concerns, but they want to retain an easement
> - ☐ c. They do not support closing the street/alley/ROW because ...

Upon review of the right-of-way description, and the additional documents provided, please select one of the above three options. Use the space provided below for any comments, if needed.

_____

_____

Name: CURT FULMER

Job Title: CONSTRUCTION COORDINATOR

Company: COMCAST CABLE

Date: 5/16/2022

Signature: Curt Fulmer

Blew & Associates, P.A.
Professional Land Surveyors

3825 N. Shiloh Dr., Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
http://www.blewinc.com

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_____

_____

Name: Kimberlyn Magee

Date: 6/6/2022

Job Title: Contract Manager NIS ROW

Company: Level 3 Communications, LLC & CenturyL

Signature: Kimberlyn Magee Digitally signed by Kimberlyn Magee Date: 2022.06.06 13:48:10 -06'00'

Blew & Associates, P.A.
Professional Land Surveyors

3825 N. Shiloh Dr., Fayetteville, AR 72703
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_____

_____

Name: Chris Keathley

Job Title: Lead OSP Plng & Eng Design

Company: AT&T

Date: 5/16/2022

Signature: Chris Keathley Digitally signed by Chris Keathley Date: 2022.05.16 16:36:17 -05'00'

Blew & Associates, P.A.
Professional Land Surveyors

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Ritter Communications has no facilities in ths or the adjacent area.

Name: Greg Caudle

Date: 6/16/2022

Job Title: Sr. OSP Engineer

Company: Ritter Communications

Signature: Greg Caudle Digitally signed by Greg Caudle Date: 2022.06.16 14:38:31 -06'00'