O-22- 107

ORDINANCE NO. ____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UTILITY EASEMENT ON PROPERTY LOCATED AT 4800 NORTHSHORE LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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, Gene Pfeifer, 16623 Cantrell Road, Suite 2A, Little Rock, Arkansas 7223 has requested, on behalf of Sanders Supply, that an unused 20' Entergy easement located at 4800 Northshore Lane be vacated for future construction (see letter from Mr. Pfeifer attached hereto as Exhibit A); and

WHEREAS, the herein described easement abandonment is supported by the North Little Rock Planning Department and City Engineer (see Exhibit B attached hereto); and

WHEREAS, there are no objections from utility companies to the vacation of the herein described easement, provided that the property owner relocate utility lines within the easement (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 an unused 20' Entergy easement on property located at 4800 Northshore Lane (conditioned upon the property owner relocating utility lines), more particularly described below.

A PORTION OF THE 20 FOOT WIDE ENTERGY ARKANSAS, INC. EASEMENT RECORDED AS INSTRUMENT NO. 2019041607, PULASKI COUNTY, ARKANSAS AND LYING NORTH OF AND ADJACENT TO THE WEST 260 FEET OF LOT 4R, BLOCK 8, NORTHSHORE BUSINESS PARK SUBDIVISION, NORTH LITTLE ROCK, ARKANSAS. SAID PORTION TO BE ABANDONDED BEING MORE PARTICULARLY DESCRIBED AS; STARTING AT THE NORTHWEST CORNER OF LOT 9, BLOCK 5, NORTHSHORE BUSINESS PARK SUBDIVISION, NORTH LITTLE ROCK, ARKANSAS; THENCE NORTH 21 DEGREES 37 MINUTES 00 SECONDS EAST, A DISTANCE OF 21.42 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, A DISTANCE OF 235.88 FEET; THENCE SOUTH 87 DEGREES 37 MINUTES 01 SECONDS EAST, A DISTANCE OF 130.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 37 MINUTES 01 SECONDS EAST, A DISTANCE OF 350.00 FEET; THENCE SOUTH 02 DEGREES 23 MINUTES 03 SECONDS WEST, A

DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF LOT 4R, BLOCK 8, NORTHSHORE BUSINESS PARK SUBDIVISION; THENCE NORTH 87 DEGREES 37 MINUTES 01 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 4R, A DISTANCE OF 350.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4R; THENCE NORTH 02 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINIG 5,200 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:

Ron Harris

Council Member Ron Harris

ATTEST

By AT

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:40 A.M. ___ P.M.

By A. Fields

DATE 11-22-22

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

RECEIVED BY S. Usser

NORTH SHORE

BUSINESS PARK

Your premier business address at
Interstate 430 and Crystal Hill Road

Mail to:
16623 Cantrell Road, Suite 2a
Little Rock, AR 72223
E-mail: gene@pfeiferfam.com

November 10, 2022

Terry Hartwick, Mayor NLR
NLR City Council Members

Via: Email

Re: Request to abandon an easement

Dear Friends,

Sanders Supply at 4800 NorthShore Lane wants to expand their building north and buy the 150' x 350' parcel north of them. There is an easement on the north side of their property that has an Entergy powerline in it and a fiber provider (Fidelity) line on the poles and an underground fiber installation (ATT) as well. The easement needs to be moved to just north of the expanded property so Entergy can relocate their poles. Entergy and the fiber providers are agreeable to abandoning the present easement at prices that I am willing to pay.

All of the utilities and fiber providers not in the easement are agreeable to the abandonment as well.

I have provided or will provide to the Planning Department the emails from the utilities and fiber providers as well as the plat and legal description required. Ward Three Councilman Harris has agreed to sponsor this request.

Please agree to hear my request at a future Council Meeting as required.

Thanks for your consideration

Sincerely,

Gene Pfeifer, President
NorthShore Business Park
16623 Cantrell Road, Suite 2a
Little Rock, AR 72223
501-681-5762

EXHIBIT
tabbies
A

Spencer, Shawn

Subject: FW: Abandonment of an easement

Planning department has no concerns about abandonment of the easement.

Shawn Spencer

Planning

Sent: Monday, November 14, 2022 2:53 PM
Subject: Abandonment of an easement

The owner of Lot 4 Block 8 NorthShore Business Park (see attached plat of present ownership) war him and expand his building. There is an easement on the north side of his property that needs to l replaced with a new easement on the north side of the combined properties. (See proposed replat

Once I have approval to abandon the easement, I will file the new plat with the replacement easem is presently.

The existing easement is attached. You will note that only the eastern portion needs to be abandor below

Please see the attached from NLR Planning "Steps in abandoning an easement...." Here are the ste with that:

1. I have Ward 3 Council Member Ron Harris has agreed to be my sponsor

EXHIBIT
B

Spencer, Shawn

From: Cook, David
Sent: Tuesday, November 15, 2022 8:51 AM
To: Spencer, Shawn
Subject: RE: Abandonment of an easement

NLR Engineering has no issues with abandoning this 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: Spencer, Shawn <SSpencer@nlr.ar.gov>
Sent: Monday, November 14, 2022 2:53 PM
To: Cook, David <DCook@nlr.ar.gov>
Subject: Abandonment of an easement

The owner of Lot 4 Block 8 NorthShore Business Park (see attached plat of present ownership) war him and expand his building. There is an easement on the north side of his property that needs to l replaced with a new easement on the north side of the combined properties. (See proposed replat

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The existing easement is attached. You will note that only the eastern portion needs to be abandor below

EXHIBIT
C

Spencer, Shawn

To: Spencer, Shawn
Subject: FW: relocation

From:
Sent: None
To: ed sanders <esanders@sanderssupply.net>
Subject: RE: relocation

On May 13, 2022, at 4:29 PM, Acuapa, Jimmy <jacuapa@entergy.com> wrote:

Mr. Pfeifer,
I would recommend the north option.
You wouldn't have to remove/relocate the parking lot lights with this option.

The cost to relocate the line is $14,610.
Entergy will not relocate any fiber lines that might be on the poles.
You will need to get with those fiber companies to have them relocate
their lines and get a cost estimate from them.

Let me know if you have any questions.

Thanks,

Jimmy

To: Tim Monroe; GREGORY, TODD R
Subject: RE: confirming our recent call

Gene,
I discussed our earlier conversation with Mr. Gregory pertaining to AT&T's refusal to
abandon the easement in question unless you proceed with an AT&T Custom Work Order to relocate AT&T facilities. Please see below.
AT&T's response to abandonment of this easement (see attached email) is solely contingent upon your pursuance and commitment to AT&T Custom Work Order agreement 223065-AR (see attached email) and upon completion of the agreed work order and its arrangements, AT&T will abandon the easement of LOT 4 BLOCK 8.
Thanks,
Timothy Monroe
OSP Engineer AT&T Arkansas
17000 Cantrell Rd
Little Rock, AR
Cell: 501.650.3962

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, November 7, 2022 12:41 PM
To: MONROE, TIMOTHY I <tm994e@att.com>; GREGORY, TODD R <tg5473@att.com>; KEATHLEY, CHRIS <ck0826@att.com>
Subject: confirming our recent call
Yes, Please proceed with a CWO and I will pay the $500 when billed
This was not the response I had hoped for but it preserves the possibility of this sale and I
appreciate you, Todd and Chris working with me on this
Best regards
gene

From: MONROE, TIMOTHY I [mailto:tm994e@att.com]
Sent: Monday, November 7, 2022 11:47 AM
To: GREGORY, TODD R; KEATHLEY, CHRIS; Eugene Pfeifer
Subject: RE: Abandonment of an easement

Gene,
I failed to mention that we can re-arrange these facilities via a Custom Work Order so the cost
of re-arranging would be at the owner's expense. There is an Easement on the southern edge of
lot 4R block 8. I will begin this CWO with your approval. They are going to ask for a $500 quote
fee and then we will proceed with the actual cost quote. Please let me know.
Thanks,
Timothy Monroe

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

Spencer, Shawn

From: Burch, Bryan <Bryan.Burch@fidelitycommunications.com>
Sent: Monday, October 17, 2022 2:02 PM
To: Eugene Pfeifer
Subject: RE: Abandonment of an easement

Hello Eugene,

Fidelity will agree to the abandonment for a fee of $2500 to cover the relocation.

Thanks,

Bryan Burch
Regional Engineer
501-722-2389
573-468-8081x 1528

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 17, 2022 1:58 PM
To: Burch, Bryan <Bryan.Burch@fidelitycommunications.com>
Subject: Abandonment of an easement

CAUTION: External source. THINK BEFORE YOU CLICK!

From: Caleb Knox <cknox@summitutilities.com>
Sent: Tuesday, October 18, 2022 7:50 AM
To: Eugene Pfeifer
Subject: RE: [EXTERNAL EMAIL] Abandonment of an easement

Gene,
Based on the provided exhibits, Summit Utilities has no facilitates in conflict with the proposed
abandonment and has no objection to the proposal.
However, Summit Utilities does have active facilities within the street ROW. Summit recommends calling
Arkansas One Call at 811 or by visiting arkonecall.com to have all utilities located and marked prior to
construction or excavation.
Please let me know if I can provide any further information.
Thank you,

Caleb "Drew" Knox
Engineer - AR/OK Region
501.377.4865 | (m) 501.553.6488 | www.SummitUtilitiesInc.com
cknox@summitutilities.com

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 17, 2022 2:49 PM
To: Caleb Knox <cknox@summitutilities.com>
Subject: [EXTERNAL EMAIL] Abandonment of an easement

You don't often get email from gene@pfeiferfam.com. Learn why this is important

Drew
The owner of Lot 4 Block 8 NorthShore Business Park (see attached plat of present ownership) wants to buy the land north of him and expand his building. There is an easement on the north side of his property that needs to be abandoned and replaced with a new easement on the north side of the combined properties. (See proposed replat of Lot 4RR Block 8).
Once I have approval to abandon the easement, I will file the new plat with the replacement easement 150' north of where it is presently.
The existing easement is attached. You will note that only the eastern portion needs to be abandoned and that is addressed below
Please see the attached from NLR Planning "Steps in abandoning an easement…." Here are the steps I am taking to comply with that:
1. I have Ward 3 Council Member Ron Harris has agreed to be my sponsor
2. I need YOU to provide the signed letter or email stating "We have no concern abandoning the easement" or that " We do not support abandoning the easement because_____ and please state therein the conditions that you would require to support the abandonment

From: Kerby, Scott <skerby@nlrwu.com>
Sent: Wednesday, October 19, 2022 7:44 AM
To: Eugene Pfeifer
Subject: RE: Abandonment of an easement

Mr. Pfeifer,

NLRW has no facilities within the subject easement, and therefore has no objection to the abandonment
of the easement as shown.

Respectfully,

Scott Kerby, P.E.
Engineering Manager
North Little Rock Wastewater
7400 Baucum Pike
(PO Box 17898)
North Little Rock, AR 72117
501-945-7186
A Clean Water Agency

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 17, 2022 2:26 PM
To: Kerby, Scott <skerby@nlrwu.com>
Subject: Abandonment of an easement

Scott
The owner of Lot 4 Block 8 NorthShore Business Park (see attached plat of present ownership) wants to buy the land north of him and expand his building. There is an easement on the north side of his property that needs to be abandoned and replaced with a new easement on the north side of the combined properties. (See proposed replat of Lot 4RR Block 8).
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Please see the attached from NLR Planning "Steps in abandoning an easement…." Here are the steps I am taking to comply with that:
1. I have Ward 3 Council Member Ron Harris has agreed to be my sponsor
2. I need YOU to provide the signed letter or email stating "We have no concern abandoning the easement" or that " We do not support abandoning the easement because_____ and please state therein the conditions that you would require to support the abandonment
3. I will provide that letter to the City Council after I have your response in #2
above.
4. The Plat of the portion of the existing easement to be abandoned is attached

Spencer, Shawn

From: Fulmer, Curt <Curt_Fulmer@comcast.com>
Sent: Monday, October 24, 2022 2:54 PM
To: Eugene Pfeifer
Subject: RE: [EXTERNAL] Abandonment of an easement

MR. Pfeifer,

Comcast has no objections on abandoning this easement.

We are not in this easement.

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 24, 2022 2:41 PM
To: Fulmer, Curt <Curt_Fulmer@cable.comcast.com>
Subject: [EXTERNAL] Abandonment of an easement

Curt

The owner of Lot 4 Block 8 NorthShore Business Park (see attached plat of present ownership) war him and expand his building. There is an easement on the north side of his property that needs to b replaced with a new easement on the north side of the combined properties. (See proposed replat

Once I have approval to abandon the easement, I will file the new plat with the replacement easem is presently.

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From: Greg Caudle <Greg.Caudle@rittercommunications.com>
Sent: Monday, October 24, 2022 3:33 PM
To: Eugene Pfeifer
Subject: RE: Abandonment of an easement

Gene,
Ritter takes no issue with the abandonment of indicated easement. If you need further assistance, do
not hesitate to let me know.

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Wednesday, October 19, 2022 11:39 AM
To: Greg Caudle <Greg.Caudle@rittercommunications.com>
Subject: Re: Abandonment of an easement

You don't often get email from gene@pfeiferfam.com. Learn why this is important

CAUTION: This is an external e-mail originating outside of Ritter Communications. Do not click on links or open any attachments
unless you recognize the sender and know the content is safe. Please contact IT if you received this warning and the sender
address appears to be an employee of Ritter Communications.
Thanks for getting on this promptly. The easement is on the north side of Sanders Supply at 4800
NorthShore Lane
Thanks
Gene
Sent from my iPad

On Oct 19, 2022, at 11:04 AM, Greg Caudle <Greg.Caudle@rittercommunications.com> wrote:

Is there associated address? I'm not a surveyor.

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 17, 2022 2:34 PM
To: Greg Caudle <Greg.Caudle@rittercommunications.com>
Subject: Abandonment of an easement

You don't often get email from gene@pfeiferfam.com. Learn why this is important

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open any attachments unless you recognize the sender and know the content is safe. Please contact IT if
you received this warning and the sender address appears to be an employee of Ritter Communications.
Greg

Spencer, Shawn

From: Colten Maxwell <Colten.Maxwell@mastec.com>
Sent: Monday, October 24, 2022 1:56 PM
To: Eugene Pfeifer
Cc: Chris Walker; Brandon Jamner
Subject: RE: [External] FW: Abandonment of an easement

We have no objection to the abandonment of easement. Thank you!

MasTec Communications Group

Colten Maxwell
Construction Supervisor
MasTec Communications Group
4300 Stockton Dr
North Little Rock, AR 72117
M: 501-350-2745
Colten.maxwell@mastec.com www.MasTec.com

From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Monday, October 24, 2022 1:48 PM
To: Colten Maxwell <Colten.Maxwell@mastec.com>
Subject: [External] FW: Abandonment of an easement

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Spencer, Shawn

From: GWoodward@nlr.ar.gov
Sent: Monday, October 24, 2022 7:03 AM
To: gene@pfeiferfam.com
Subject: RE: Progress on Abandonment of an easement

Gene,

We have no concern abandoning the easement.

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

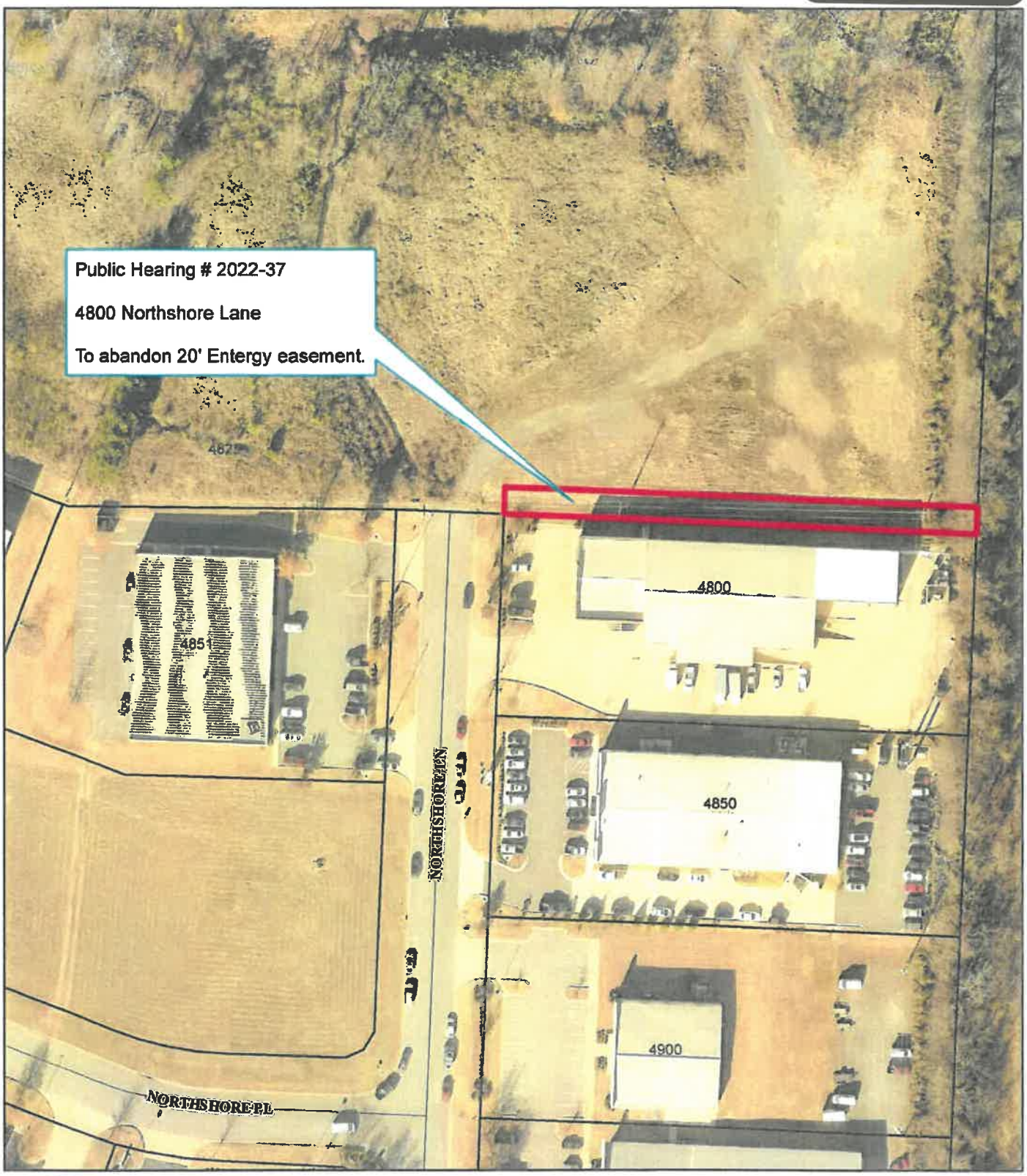
From: Eugene Pfeifer <gene@pfeiferfam.com>
Sent: Friday, October 21, 2022 3:10 PM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>
Subject: Progress on Abandonment of an easement

EXHIBIT

tabbies

D

Public Hearing Case # 2022-37



NLR PLANNING

Ortho Map

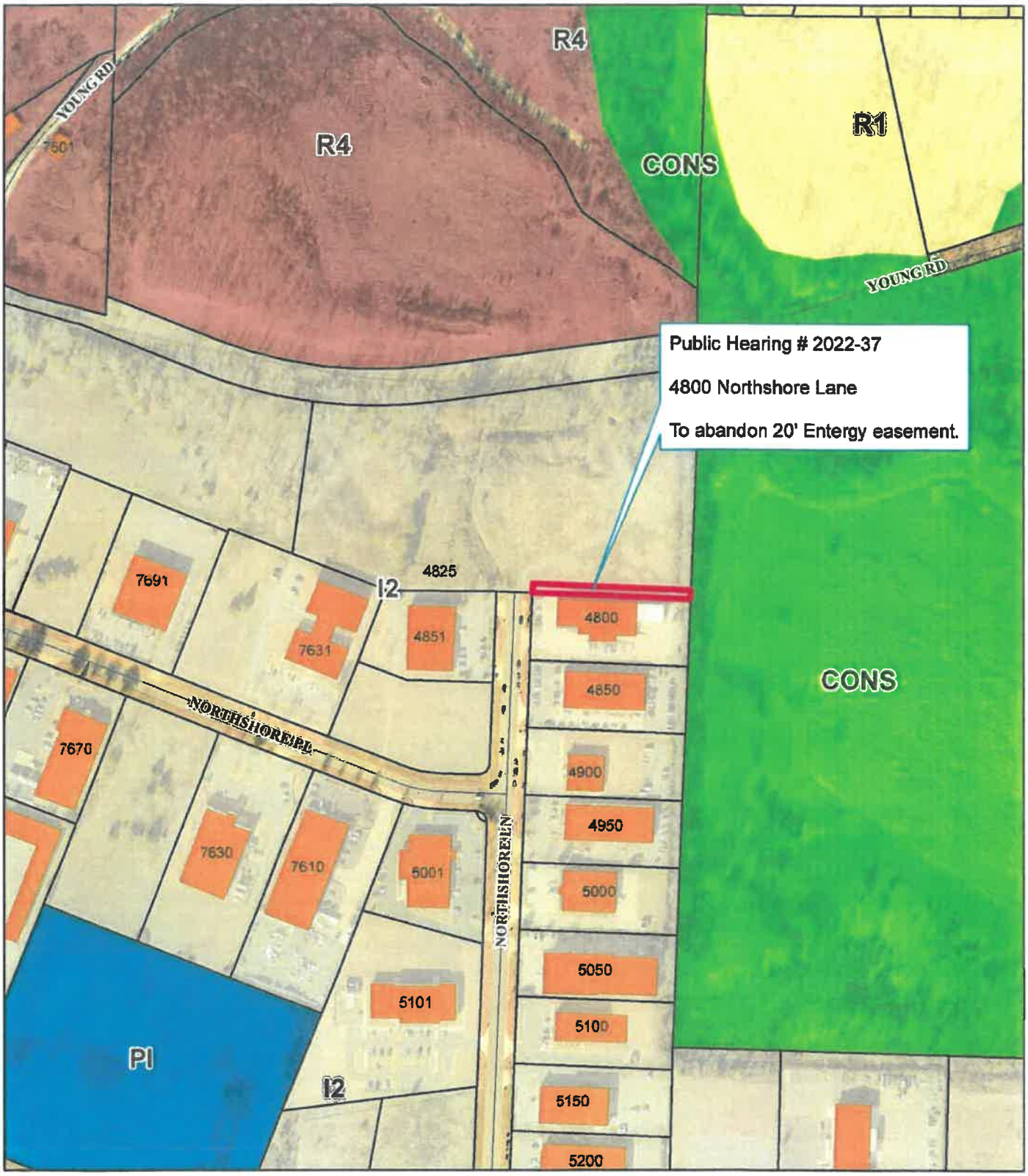
1 inch = 100 feet

0 50 100 200 300 Feet

N W E S

Date: 11/15/2022

Public Hearing Case # 2022-37



Zoning Map

1 inch = 300 feet

0 150 300 600 900 Feet

N W E S

Date: 11/15/2022