O-23- 16

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 20 SMOKEY 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, the North Little Rock Planning Commission approved a preliminary replat of Lot 2 of the Kum & Go Commercial Subdivision and Lot 6R of the Springhill Development Addition; and

WHEREAS, Bear Davidson of Davidson Engineering, on behalf of Woodcrest Company, has requested that an unused utility easement located at 20 Smokey Lane be vacated to finalize the replat (see letter from Mr. Davidson 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 (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 utility easement on property located at 20 Smokey Lane, more particularly described below.

LOT 2R, BLOCK 3 OF THE SPRINGHILL DEVELOPMENT ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS (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SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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

Nathan Hamilton

Council Member Nathan Hamilton 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 11:00 A.M. __ P.M.

By A. Fields, City Atty

DATE 2/21/23

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

RECEIVED BY B/Ayh

EXHIBIT
tabbies
A

DAVIDSON ENGINEERING

210 W. Arch Ave., Suite D
Searcy, Arkansas 72143
(501) 388 - 2178

January 30, 2023

Terry Hartwick
City of North Little Rock Mayor
120 Main Street
North Little Rock, AR 72114

RE: Request for Easement Abandonment
Lot 2R Kum & Go #152 Commercial Subdivision
Woodcrest Company

Dear Mayor and City Council,

On behalf of Woodcrest Company, we would like to request to be included on the March 13, 2023 City Council agenda for an easement abandonment.

The Planning Commission approved the preliminary plat to replat Lot 2 of Kum & Go #152 Commercial Subdivision and Lot 6R, Bk 3 Springhill Development. Prior to the final platting, the old utility easement associated with Lot 2 needs to be abandoned. There are no utilities within this easement. Please see the attached letters from the utility companies with no objections.

Thank you,
Davidson Engineering, PLLC

Bear Davidson, PE

Attached: Easement Abandonment Drawing
Letters from Utility Companies

EXHIBIT
B

Trevino, Kim

From: DCook@nlr.ar.gov
Sent: Thursday, February 16, 2023 9:42 AM
To: jason@davidsonengineers.com; Spencer, Shawn
Subject: RE: Easement Abandonment

Engineering Department has no issues with the abandonment of the easement.

David Cook, P.E.
Chief City Engineer
500 West 13th Street
North Little Rock, AR 72114
Office: 501-371-8339
Cell: 501-351-8936
DCook@nlr.ar.gov

From: jason@davidsonengineers.com <jason@davidsonengineers.com>
Sent: Tuesday, February 14, 2023 2:58 PM
To: Spencer, Shawn <SSpencer@nlr.ar.gov>; Cook, David <DCook@nlr.ar.gov>
Subject: 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.

Shawn & David,

We have requested to be placed on the City Council Agenda for the February 27th hearing. We are needing an approval letter from the two of you per the City Attorney. On Lot 2R Kum and Go Commercial Subdivision is an easement that we are requesting to be abandoned is an easement along former common lot lines before we went through planning to have it replated. I have attached a copy of the drawing showing the easement that we are wishing to be abandoned. We have got approval letters from NLR Wastewater, CAW, AT&T and NLR Electric already. If you could please email me your letter or an email of you approval.

DAVIDSON ENGINEERING

Jason Bouwknegt
Project Designer
jason@davidsonengineers.com
501.952.6535
www.davidsonengineers.com
210 W. Arch Avenue, Suite D
Searcy, Arkansas 72143

Disclaimer

Trevino, Kim

From: Spencer, Shawn
Sent: Tuesday, February 14, 2023 3:10 PM
To: jason@davidsonengineers.com; Cook, David; Trevino, Kim
Subject: Easement Abandonment at Lot 2R, Kum and Go 152 Commercial Subdivision
Attachments: 21-93 REPLAT-EASEMENT ABANDONMENT.pdf

The Planning Department supports the abandonment of an easement at Lot 2R, Kum and Go 152 Commercial Subdivision.

Shawn Spencer
NLR Planning Department

EXHIBIT
tabbies
C

jason@davidsonengineers.com

From: Suzanne Mangan <smangan@summitutilities.com>
Sent: Monday, January 23, 2023 10:27 AM
To: jason@davidsonengineers.com
Subject: RE: [EXTERNAL EMAIL] Easement abandonment

Flag Status: Flagged

Good morning Jason,

Summit Utilities has no objection to the proposed replat and utility easement abandonment. Please let this serve as our letter of approval.

Thank you,

Suzy Mangan
Gas Engineer
(m) 501.416.8412 | www.SummitUtilitiesInc.com
smangan@summitutilities.com

From: jason@davidsonengineers.com <jason@davidsonengineers.com>
Sent: Monday, January 23, 2023 9:28 AM
To: Suzanne Mangan <smangan@summitutilities.com>
Subject: [EXTERNAL EMAIL] Easement abandonment

Suzy,

Attached is a piece of property that we are working on getting an easement abandoned. The easement that we are trying to abandoned is highlighted in yellow. Can you please provide use with a letter stating that Summit is ok with the easement being abandoned.

DAVIDSON ENGINEERING

Jason Bouwknegt

If you received this message in error, please do not read, copy, or share it. Instead, please notify the sender immediately and permanently delete all copies in your possession.

ELECTRIC DEPARTMENT

NORTH LITTLE ROCK

Gregory Woodward
Distribution Design Supervisor

1400 W. Maryland Ave., North Little Rock, AR 72120
P.O. Box 159, North Little Rock, AR 72115-0159

PHONE: (501) 992-4073
CELL: (501) 680-6134
GWoodward@nlr.ar.gov

January 23, 2023

TO: **Jason Bouwknegt**

Davidson Engineering

RE: 21-93 Replat-Easement Abandonment

North Little Rock Electric has no objection to abandoning the easement across the property dicsribed in 21-93 Replat-Easement Abandonment.

Please let me know if there is anything else I can do to help.

If you have any questions regarding the above matter, please contact me at (501)992-4073

Sincerely,

Greg Woodward
Distribution Design Supervisor

NORTH LITTLE ROCK WASTEWATER UTILITY

January 27, 2023

Jason Bouwknegt
Project Designer
Davidson Engineering
210 W Arch Avenue, Suite D
Searcy, Arkansas 72143

RE: Easement Abandonment Request

Jason,

I have reviewed the easement abandonment request related to the replat of Lot 2R, Kum and Go #152 Commercial Subdivision, and NLRW has no objection to the abandonment of the easement as shown on the drawing received January 23, 2023.

If I can be of any further assistance, please feel free to call (501-945-7186) or email (skerby@nlrwu.com).

Thank you,

Scott Kerby, P.E.
Engineering Manager
North Little Rock Wastewater Utility

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

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

jason@davidsonengineers.com

From: MONROE, TIMOTHY I <tm994e@att.com>
Sent: Friday, January 27, 2023 3:31 PM
To: BROWN, ANTHONY; jason@davidsonengineers.com
Subject: RE: EASEMENT ABANDONMENT

Jason,

I have reviewed and approve of this Easement Abandonment request. AT&T is ok to abandon.

Thanks,

Timothy Monroe

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

From: BROWN, ANTHONY <AB834B@att.com>
Sent: Thursday, January 26, 2023 8:27 AM
To: jason@davidsonengineers.com; MONROE, TIMOTHY I <tm994e@att.com>
Subject: FW: EASEMENT ABANDONMENT

Here it is, sir. Thank you

ANTHONY D BROWN
501-681-8279
AT&T ENGINEERING

From: jason@davidsonengineers.com <jason@davidsonengineers.com>
Sent: Thursday, January 26, 2023 8:09 AM
To: BROWN, ANTHONY <AB834B@att.com>
Subject: EASEMENT ABANDONMENT

Anthony,

Please see the attached drawing of the easement that we are needing a letter stating that AT&T has no issue with abandoning the easement. The address for the property is 4200 Smokey Lane North Little Rock. If you are not the one that I need to talk to one this can you please give me the number for the person that is?

jason@davidsonengineers.com

From: Jason Lowder <jason.lowder@carkw.com>
Sent: Wednesday, January 25, 2023 9:44 AM
To: jason@davidsonengineers.com
Subject: RE: [External] RE: [External] easement abandonment

Central Arkansas Water has no objections.

Respectfully,

Jason Lowder, Engineering Technician
jason.lowder@carkw.com
501-377-1245

From: jason@davidsonengineers.com <jason@davidsonengineers.com>
Sent: Monday, January 23, 2023 9:41 AM
To: Jason Lowder <jason.lowder@carkw.com>
Subject: [External] RE: [External] 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.

See attachment.

DAVIDSON ENGINEERING

Jason Bouwknegt

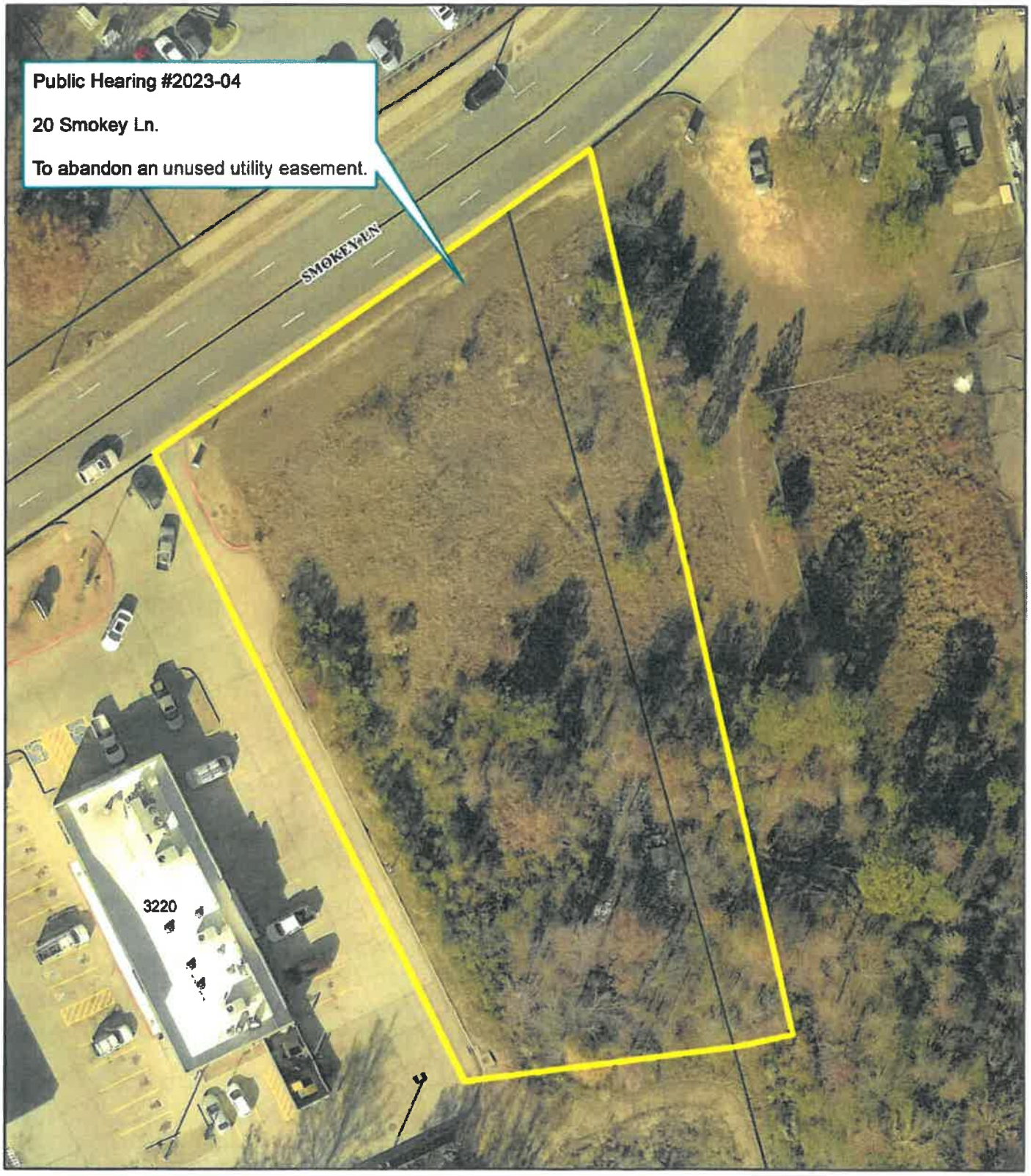
From: Jason Lowder <jason.lowder@carkw.com>
Sent: Monday, January 23, 2023 9:35 AM
To: jason@davidsonengineers.com; Andrew Pownall <Andrew.Pownall@carkw.com>
Subject: RE: [External] easement abandonment

EXHIBIT

tabbies

D

Public Hearing Case # 2023-04



NLR PLANNING

Ortho Map

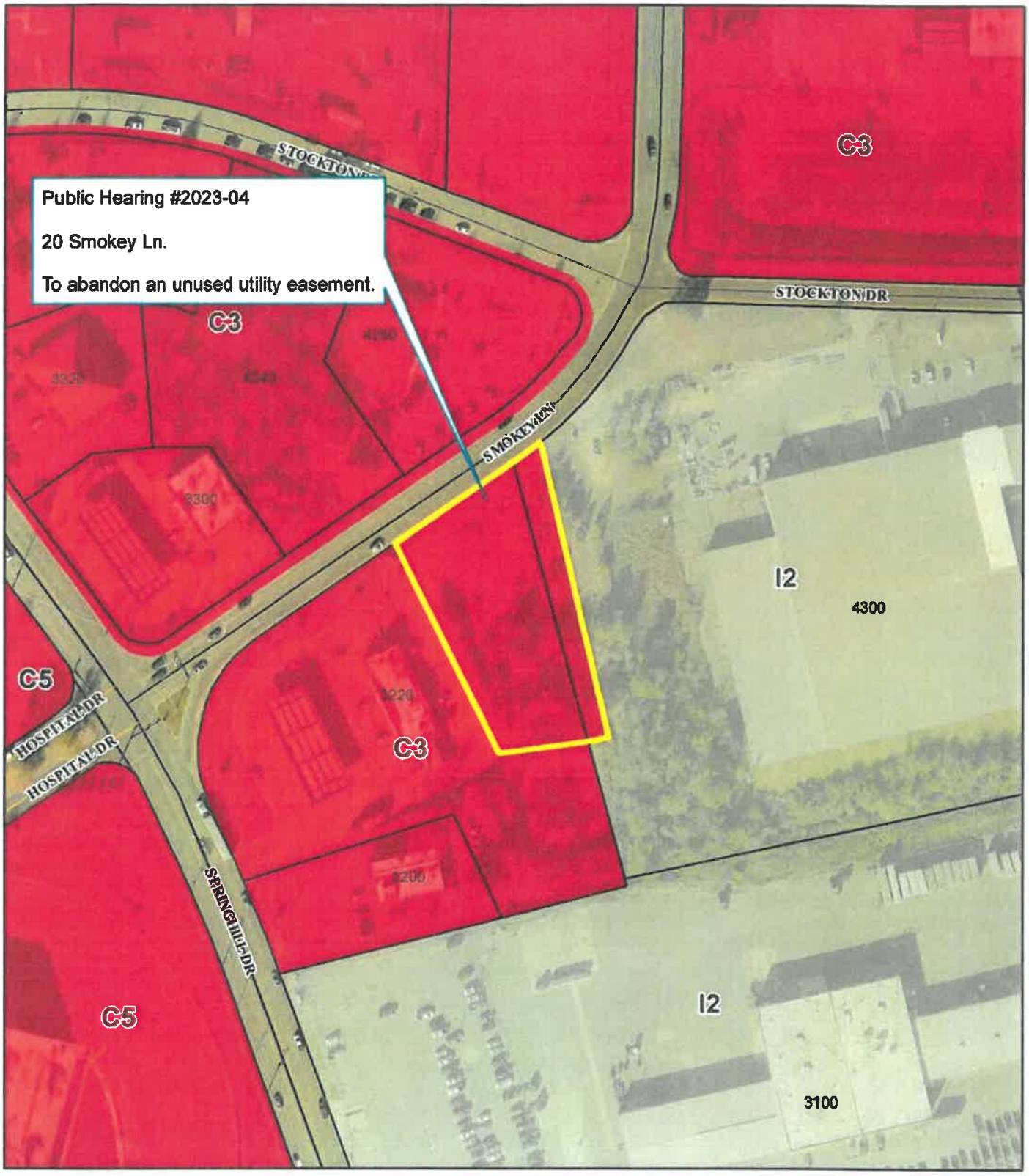
1 inch = 50 feet

0 25 50 100 150 Feet

N W E S

Date: 2/9/2023

Public Hearing Case # 2023-04



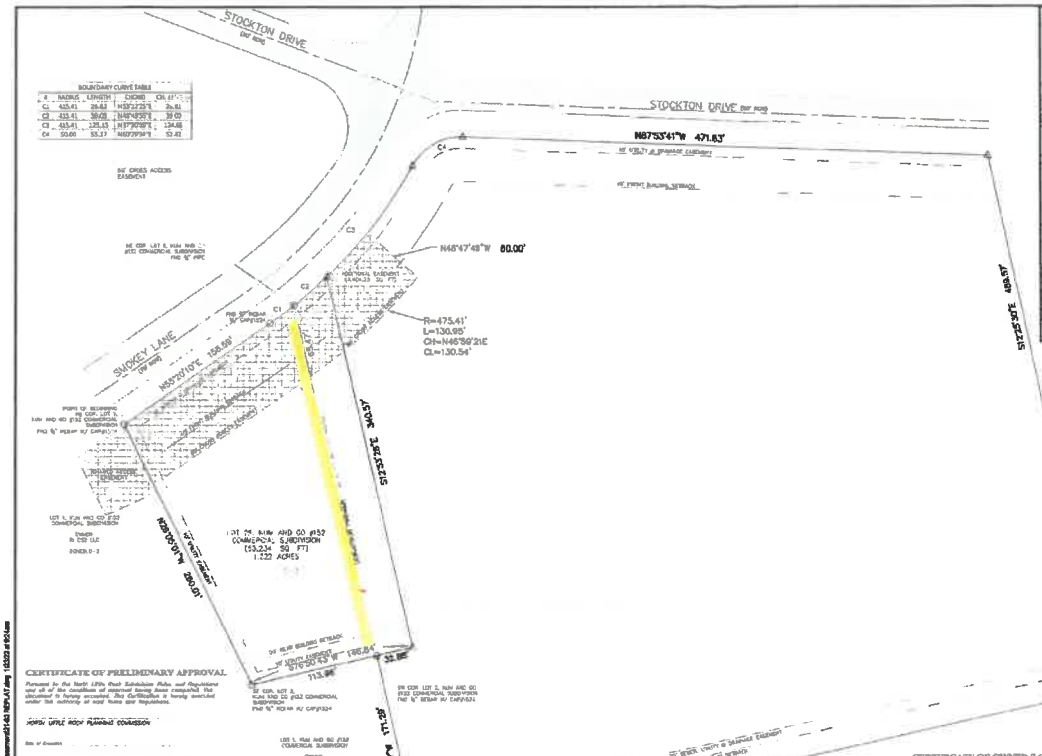
Zoning Map

1 inch = 150 feet

0 75 150 300 450 Feet

N W E S

Date: 2/9/2023



REPLAT
LOT 2R, KUM AND GO #152 COMMERCIAL SUBDIVISION AND LOT 6R, BLOCK 3, SPRINGHILL DEVELOPMENT

NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS

BEING A REPLAT OF LOT 2, KUM AND GO #152 COMMERCIAL SUBDIVISION AND LOT 6, BLOCK 3, SPRINGHILL DEVELOPMENT TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS.

LEGAL DESCRIPTION

LOT 2, KUM AND GO #152 COMMERCIAL SUBDIVISION AND LOT 6, BLOCK 3, SPRINGHILL DEVELOPMENT ALL IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2, KUM AND GO #152 COMMERCIAL SUBDIVISION;
THENCE NORTH 55°20'10" EAST A DISTANCE OF 158.99 FEET;
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.41 AND A CHORD BEARING AND DISTANCE OF NORTH 45°59'21" EAST, 130.54 FEET;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 AND A CHORD BEARING AND DISTANCE OF NORTH 52°57'59" EAST, 53.42 FEET;
THENCE SOUTH 12°32'30" EAST A DISTANCE OF 460.97 FEET;
THENCE SOUTH 77°34'30" WEST A DISTANCE OF 630.00 FEET;
THENCE NORTH 12°32'30" WEST A DISTANCE OF 100.01 FEET;
THENCE SOUTH 76°50'43" WEST A DISTANCE OF 713.86 FEET;
THENCE NORTH 34°50'57" WEST TO THE POINT OF BEGINNING
CONTAINING 262,812 SQ FT, OR 6.034 ACRES, MORE OR LESS.

CERTIFICATE OF PRELIMINARY APPROVAL

Pursuant to the North Little Rock Subdivision Rules and Regulations and all of the conditions of approval having been completed the attached is hereby accepted. This Certification is hereby exercised under the authority of said rules and regulations.

NORTH LITTLE ROCK PLANNING COMMISSION

Date of Execution

CERTIFICATE OF ENGINEERING ACCURACY

I, *Brian Davidson, hereby certify that this plat correctly represents a plat made by me, or under my supervision, and that engineering requirements of the North Little Rock Subdivision Rules and Regulations have been complied with.*

BRIAN DAVIDSON, ARKANSAS
PROFESSIONAL ENGINEER, NO. 12896

Date of Transfer

CERTIFICATE OF SURVEYING ACCURACY

I, *William Patrick Watson, hereby certify that this plat correctly represents a boundary survey made by me or upon my supervision, and that monuments and pins to be set, meet applicable Arkansas Professional Surveying Standards, and to the best of my knowledge and belief of the time of completion.*

WILLIAM PATRICK WATSON, ARKANSAS
PROFESSIONAL SURVEYOR, NO. 1459

Date of Completion

DEVELOPER

WOODCREST COMPANY
4881 NORTH HILLS ROAD
NORTH LITTLE ROCK, ARKANSAS 72116

NOTES

1. ALL LOTS HAVE A 50' FRONT BUILDING SETBACK AS SHOWN ALONG FRONT OF PROPERTY WHICH IS PARALLEL TO ROAD
2. ALL LOTS HAVE A 25' REAR BUILDING SETBACK AS SHOWN
3. TOTAL ACREAGE IS 6.0912 ACRES.
4. ALL BEARINGS ARE GRID NAD 83.
5. ACCORDING TO FEMA FIRM COMMUNITY PANEL NUMBER 05119C 0425G DATED OCT 5, 2006, THIS PROPERTY APPEARS TO EXIST IN ZONE "X" AND "X" NOT LOCATED IN THE 500 YEAR PLAIN.

CERTIFICATE OF OWNER (LOT 2)

We, *the undersigned, owners of the real estate shown and described herein, do hereby certify that we have had it, platted and subdivided, and hereby lay it, and, one subdivision such real estate in accordance with this plat.*

WOODCREST COMPANY
4881 NORTH HILLS ROAD
NORTH LITTLE ROCK, ARKANSAS 72116

Date of Execution

CERTIFICATE OF OWNER (LOT 6)

We, *the undersigned, owners of the real estate shown and described herein, do hereby certify that we have had it, platted and subdivided, and hereby lay it, and, one subdivision such real estate in accordance with this plat.*

HOPSON DEVELOPMENT GRP INC
5200 W. LITTLE STREET
LITTLE ROCK, ARKANSAS 72204

Date of Execution

DAVIDSON ENGINEERING
2200 BRIARCLIFF DRIVE, STE. D
BENTON, AR 72015
TEL: 501.588.3775

REPLAT OF
LOT 6, BLOCK 3, SPRINGHILL DEVELOPMENT &
LOT 2, KUM AND GO #152
COMMERCIAL SUBDIVISION
WOODCREST COMPANY
NORTH LITTLE ROCK, ARKANSAS

REVISIONS

NO. DATE REVISION REMARKS

DAVIDSON ENGINEERING PLLC No. 3841

STATE OF ARKANSAS LICENSED PROFESSIONAL ENGINEER No. 12896 BRIAN COLE DAVIDSON

CERTIFICATE OF AUTHORIZATION

CHARGEABLE SIGNATURES ON FILE

REPLAT

DRAWN: BCJ
CHECKED: BCD
DATE: JANUARY 25, 2022
SCALE: 1" = 40'
JOB NUMBER: 2022-029

\\DAVIDSON\Work\2022\2022-29 Woodcrest Replat\Acad\2022-29 REPLAT.dwg 1/25/2022 4:50:41pm