

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED BETWEEN 1600 AND 1606 WATERSIDE DRIVE 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, Thomas Spears, as trustee of the Spears Living Trust, has requested that an unused utility easement located between 1600 and 1606 Waterside Drive be vacated for future construction (see Letter from Mr. Spears 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); and

WHEREAS, the applicant is seeking approval from the North Little Rock City Council; and

WHEREAS, a sign has been placed on the property, and a legal advertisement of notice of a public hearing to be held June 26, 2023 at 6:00 p.m. has been placed in the newspaper.

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 between 1600 and 1606 Waterside Drive, more particularly described in Exhibit D attached hereto (see maps and surveys attached, collectively, as Exhibit 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SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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

Debi Ross  
Council Member Debi Ross *lagAF*

\_\_\_\_\_

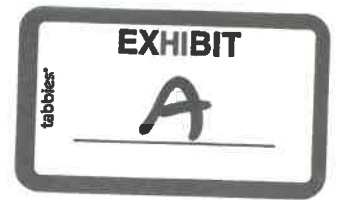
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>10:30</u>	A.M.	__	P.M.
By	<u>A. Fields</u>			
DATE	<u>6-20-23</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>S. Usery</u>			



Thomas N. Spears  
101 N Fork Dr  
Sherwood, AR 72120-5834  
Tel (501) 392-6340 Mobile (501) 612-8485

JUNE 1, 2023

**North Little Rock City Council**  
City Hall-300 Main Street  
North Little Rock, AR 72119-5757

Members of the City Council,

I am writing to request abandonment of 3 ft wide easements that reside along the common property line (front to back) on each of the two (2) lots referenced below on Waterside Drive. There are no existing utility services located in these easements and attached are responses back from each utility, NLR Planning, and NLR Engineering indicating none have any need for them. The reason for this request is to ultimately combine the two lots and replace the houses with a new house and accessory building.

Referenced Lots:

1600 Waterside Drive  
Lot 81, Block 127, Park Hill Addition to North Little Rock, Arkansas

1606 Waterside Drive  
Lot 82, Block 127, Park Hill Addition to North Little Rock, Arkansas

Sincerely,

A handwritten signature in blue ink that reads "Thomas N. Spears". The signature is written in a cursive style with a blue ink pen.

**Thomas N. Spears as Trustee under Spears Living Trust dated December 14, 2018**

Attachments:

- A - 8.5x11 plats highlighting easements to be abandoned
- B - Legal descriptions of the easements
- C - Letters / emails from each utility, NLR Planning, and NLR Engineering



**tns22222@gmail.com**

**From:** SSpencer@nlr.ar.gov  
**Sent:** Tuesday, March 7, 2023 1:07 PM  
**To:** tns2222@gmail.com  
**Subject:** 1600/1606 Waterside easement abandonment

NLR Planning has no concerns abandoning the below referenced easements.

Addresses of the properties:  
1600 Waterside Drive, North Little Rock, Arkansas 72120  
1606 Waterside Drive, North Little Rock, Arkansas 72120

Shawn Spencer  
NLR Planning Department

**Disclaimer**

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This email has been scanned for viruses and malware.

**tns22222@gmail.com**

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**From:** DCook@nlr.ar.gov  
**Sent:** Friday, March 24, 2023 8:24 AM  
**To:** tns2222@gmail.com  
**Subject:** RE: Easement Confirmation

Mr. Spears,

NLR Engineering has no issues with abandoning the referenced easements. Thanks,



**David Cook, P.E.**  
**Chief City Engineer**  
500 West 13<sup>th</sup> Street  
North Little Rock, AR 72114  
Office: 501-371-8339  
Cell: 501-351-8936  
[DCook@nlr.ar.gov](mailto:DCook@nlr.ar.gov)

**From:** tns2222@gmail.com <[tns2222@gmail.com](mailto:tns2222@gmail.com)>  
**Sent:** Friday, March 3, 2023 5:16 PM  
**To:** Cook, David <[DCook@nlr.ar.gov](mailto:DCook@nlr.ar.gov)>  
**Subject:** RE: Easement Confirmation

I was able to scan the plat plans from the abstracts for reference, see lots 81 (1600) and 82 (1606) in the attached PDF files.

Thanks,  
Thomas Spears  
501-612-8485

**From:** [tns2222@gmail.com](mailto:tns2222@gmail.com) <[tns2222@gmail.com](mailto:tns2222@gmail.com)>  
**Sent:** Friday, March 3, 2023 2:21 PM  
**To:** 'Dcook@nlr.ar.gov' <[Dcook@nlr.ar.gov](mailto:Dcook@nlr.ar.gov)>  
**Subject:** Easement Confirmation

David,

I received your contact information while reaching out to verify some easement / utility line questions I have. While reviewing original 1950's abstracts/plat plans of adjacent properties I own in North Little Rock, I discovered references to 3ft wide easements (front to back of properties) on each lot along the common property line of both properties. Note, these properties have been in my family since the homes were originally built and I do not expect to find any utilities actually reside in these easements if the easements still exist.

Can you please confirm the following via signed letter or email?

1. NLR Engineering has no concerns abandoning the above reference easements.  
OR
2. NLR Engineering does not support abandoning the easements because \_\_\_\_\_

**Addresses of the properties:**

1600 Waterside Drive, North Little Rock, Arkansas 72120

1606 Waterside Drive, North Little Rock, Arkansas 72120

Please don't hesitate to reach out for any questions or additional information you may need from me.

Thanks

Thomas Spears

501-612-8485

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This email has been scanned for viruses and malware.

tns22222@gmail.com

**From:** GWoodward@nlr.ar.gov  
**Sent:** Monday, March 6, 2023 8:46 AM  
**To:** tns2222@gmail.com  
**Cc:** EHeinrichs@nlr.ar.gov  
**Subject:** RE: Easement Confirmation

Mr. Spears,

NLR Electric has no concerns abandoning the above reference easement dividing the two properties. We would have an issue if we were talking about the rear lot lines.

Thanks,  
Greg Woodward

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

**From:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 5:16 PM  
**To:** Woodward, Gregory <GWoodward@nlr.ar.gov>  
**Subject:** RE: Easement Confirmation

**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.

I was able to scan the plat plans from the abstracts for reference, see lots 81 (1600) and 82 (1606) in the attached PDF files.

Thanks,  
Thomas Spears  
501-612-8485

**From:** [tns2222@gmail.com](mailto:tns2222@gmail.com) <[tns2222@gmail.com](mailto:tns2222@gmail.com)>  
**Sent:** Friday, March 3, 2023 2:22 PM

**tns22222@gmail.com**

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**From:** Kerby, Scott <skerby@nlrwu.com>  
**Sent:** Monday, March 6, 2023 10:54 AM  
**To:** tns2222@gmail.com  
**Subject:** RE: Easement Confirmation

Mr. Spears,

NLRW has no concerns abandoning the above referenced easements.

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:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 5:16 PM  
**To:** Kerby, Scott <skerby@nlrwu.com>  
**Subject:** RE: Easement Confirmation

I was able to scan the plat plans from the abstracts for reference, see lots 81 (1600) and 82 (1606) in the attached PDF files.

Thanks,  
Thomas Spears  
501-612-8485

**From:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 2:21 PM  
**To:** 'Skerby@nlrwu.com' <skerby@nlrwu.com>  
**Subject:** Easement Confirmation

Scott,

I received your contact information while reaching out to verify some easement / utility line questions I have. While reviewing original 1950's abstracts/plat plans of adjacent properties I own in North Little Rock, I discovered references to 3ft wide easements (front to back of properties) on each lot along the common property line of both properties. Note, these properties have been in my family since the homes were originally built and I do not expect to find any utilities actually reside in these easements if the easements still exist.



**tns22222@gmail.com**

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**From:** Caleb Knox <cknox@summitutilities.com>  
**Sent:** Monday, March 6, 2023 11:05 AM  
**To:** tns2222@gmail.com  
**Subject:** RE: [EXTERNAL EMAIL] RE: Easement Confirmation

Good morning Mr. Spears,

Summit Utilities has no objection to the proposed abandonment.

However, Summit Utilities does have active facilities within and along the street right of way. Summit recommends calling Arkansas One Call at 811 or by visiting [arkonecall.com](http://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  
501:553.6488 | [www.SummitUtilitiesInc.com](http://www.SummitUtilitiesInc.com)  
[cknox@summitutilities.com](mailto:cknox@summitutilities.com)

**From:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 5:15 PM  
**To:** Caleb Knox <cknox@summitutilities.com>; Adam Gober <agober@summitutilities.com>  
**Subject:** [EXTERNAL EMAIL] RE: Easement Confirmation

Some people who received this message don't often get email from [tns2222@gmail.com](mailto:tns2222@gmail.com). [Learn why this is important](#)

I was able to scan the plat plans from the abstracts for reference, see lots 81 (1600) and 82 (1606) in the attached PDF files.

Thanks,  
Thomas Spears  
501-612-8485

**From:** [tns2222@gmail.com](mailto:tns2222@gmail.com) <[tns2222@gmail.com](mailto:tns2222@gmail.com)>  
**Sent:** Friday, March 3, 2023 2:20 PM  
**To:** 'cknox@summitutilities.com' <[cknox@summitutilities.com](mailto:cknox@summitutilities.com)>; 'agober@summitutilities.com' <[agober@summitutilities.com](mailto:agober@summitutilities.com)>  
**Subject:** Easement Confirmation

Caleb / Adam,



**Todd R. Gregory**  
AT&T Arkansas  
Right-of-Way &  
Joint Pole Use Mgr.

P.O. Box 6505  
Hot Springs, AR 71901  
Phone: (501) 321-3207  
Cell: (501) 276-3791  
[tgr@att.com](mailto:tgr@att.com)

## CONCURRENCE TO VACATE A DEDICATED EASEMENT

BE IT KNOWN BY THESE PRESENT "Southwestern Bell Telephone Company d/b/a AT&T Arkansas concurs in the request to release its interest in the 3' Sewer & Utility Easement being along sides of the property lines going from front to back of said lots 81 and 82 in Block 127, Park Hill Addition, North Little Rock. In the S½ SW¼, Section 24, Township 2 North, Range 12 West. The addresses of the properties are 1600 Waterside Drive and 1606 Waterside Drive.

### SURVEY DESCRIPTION:

Please see attached Abstracts 1600 and 1606 Waterside

AT&T Arkansas has no facilities within this 3' wide Sewer & Utility Easement and has no plans to utilize it in the future. All AT&T cables are placed in the front U/E along Waterside Drive.

A handwritten signature in black ink, appearing to read "Todd R. Gregory", written over a horizontal line.

Todd R. Gregory

Right-of-Way Mgr. AT&T Arkansas

March 7, 2023

**tns22222@gmail.com**

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**From:** Jim Ferguson <jim.ferguson@carkw.com>  
**Sent:** Monday, March 6, 2023 7:50 AM  
**To:** tns2222@gmail.com  
**Subject:** RE: Easement Confirmation

Nice to see those good old blueprint drawings like that. I believe my earlier statement is confirmed and adequate after looking at the prints.

Thank you,

Jim Ferguson, P.E.  
Director of Engineering  
Central Arkansas Water  
501.377.1298 office  
[jim.ferguson@carkw.com](mailto:jim.ferguson@carkw.com)

**From:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 4:59 PM  
**To:** Jim Ferguson <jim.ferguson@carkw.com>  
**Subject:** [External] RE: Easement Confirmation

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Thanks Jim,

Reference attached scans of the abstract plat plans, lots 81 and 82. I am aware of the water main on the front of the property running parallel to Waterside Drive.

Thomas Spears

**From:** Jim Ferguson <[jim.ferguson@carkw.com](mailto:jim.ferguson@carkw.com)>  
**Sent:** Friday, March 3, 2023 2:50 PM  
**To:** [tns2222@gmail.com](mailto:tns2222@gmail.com)  
**Subject:** RE: Easement Confirmation

Not having plats or legal documents depicting these easements and/or a request from NLR Planning, all I can say is Central Arkansas Water does have any existing facilities running along the side lot lines at these two properties, (or any properties in the area). Central Arkansas Water does not foresee the need for, or installation of, any water facilities along these side lot lines and therefore does not need reservation of these easements, should they currently exist. Please be aware that a public water main, owned, operated, and maintained by Central Arkansas Water, does exist along the front of the properties, parallel with Waterside Drive. The water main should be inside an easement either platted or prescriptive.

Thank you,

Jim Ferguson, P.E.  
Director of Engineering  
Central Arkansas Water  
501.377.1298 office  
[jim.ferguson@carkw.com](mailto:jim.ferguson@carkw.com)

**From:** [tns2222@gmail.com](mailto:tns2222@gmail.com) <[tns2222@gmail.com](mailto:tns2222@gmail.com)>  
**Sent:** Friday, March 3, 2023 2:23 PM  
**To:** Jim Ferguson <[jim.ferguson@carkw.com](mailto:jim.ferguson@carkw.com)>  
**Subject:** [External] Easement Confirmation

**[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.

Jim,

I received your contact information while reaching out to verify some easement / utility line questions I have. While reviewing original 1950's abstracts/plat plans of adjacent properties I own in North Little Rock, I discovered references to 3ft wide easements (front to back of properties) on each lot along the common property line of both properties. Note, these properties have been in my family since the homes were originally built and I do not expect to find any utilities actually reside in these easements if the easements still exist.

Can you please confirm the following via signed letter or email?

1. Central AR Water has no concerns abandoning the above reference easements.
- OR
2. Central AR Water does not support abandoning the easements because \_\_\_\_\_

Addresses of the properties:

1600 Waterside Drive, North Little Rock, Arkansas 72120  
1606 Waterside Drive, North Little Rock, Arkansas 72120

Please don't hesitate to reach out for any questions or additional information you may need from me.

Thanks  
Thomas Spears  
501-612-8485

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"The information in this email and any attachments may be confidential and privileged. Access to this email by anyone other than the intended addressee is unauthorized. If you are not the intended recipient (or the employee or agent responsible for delivering this information to the intended recipient) please notify the sender by reply email and

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**tns22222@gmail.com**

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**From:** Fulmer, Curt <Curt\_Fulmer@comcast.com>  
**Sent:** Friday, March 3, 2023 5:16 PM  
**To:** tns2222@gmail.com  
**Subject:** RE: [EXTERNAL] Easement Confirmation

Mr. Spears,

Comcast has no concerns with abandoning this easement, as our facilities are on the poles that run in the back of the property.

**From:** tns2222@gmail.com <tns2222@gmail.com>  
**Sent:** Friday, March 3, 2023 2:21 PM  
**To:** Fulmer, Curt <Curt\_Fulmer@cable.comcast.com>  
**Subject:** [EXTERNAL] Easement Confirmation

Curt,

I received your contact information while reaching out to verify some easement / utility line questions I have. While reviewing original 1950's abstracts/plat plans of adjacent properties I own in North Little Rock, I discovered references to 3ft wide easements (front to back of properties) on each lot along the common property line of both properties. Note, these properties have been in my family since the homes were originally built and I do not expect to find any utilities actually reside in these easements if the easements still exist.

Can you please confirm the following via signed letter or email?

1. Comcast has no concerns abandoning the above reference easements.
- OR
2. Comcast does not support abandoning the easements because \_\_\_\_\_

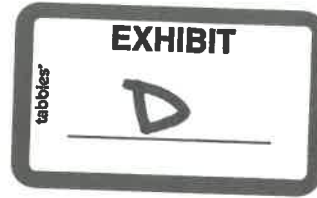
Addresses of the properties:

1600 Waterside Drive, North Little Rock, Arkansas 72120  
1606 Waterside Drive, North Little Rock, Arkansas 72120

Please don't hesitate to reach out for any questions or additional information you may need from me.

Thanks  
Thomas Spears  
501-612-8485

B-1



May 31, 2023

Lot 81, Block 127 Park Hill Addition to North Little Rock, Arkansas  
Existing Easement Abandonment

#### EASEMENT DESCRIPTION

Situated in the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 2 North, Range 12 West in the City of North Little Rock, Pulaski County, Arkansas and being known as:

A 3 foot wide Sewer and Utility Easement lying upon the easterly 3 feet of said Lot 81, being bounded as follows; along the east by the westerly line of Lot 82 of said Block 127, along the south by the northerly line of an 8 foot wide Sewer and Utility Easement as shown by said Plat of Subdivision, along the west by a line lying parallel to and 3 feet westerly of said westerly line of Lot 82, and along the north by the southerly right of way of Waterside Drive, 50 feet wide, as shown by said plat of subdivision.

Engineering • Planning • Land Surveying • Landscape Architecture

2200 North Rodney Parham, Suite 220 • Little Rock, Arkansas 72212 • Tel 501-221-7880 • Fax 501-221-7882  
1 East Center Street, Suite 290 • Fayetteville, Arkansas 72701 • Tel 479-444-7880



May 31, 2023

Lot 82, Block 127 Park Hill Addition to North Little Rock, Arkansas  
Existing Easement Abandonment

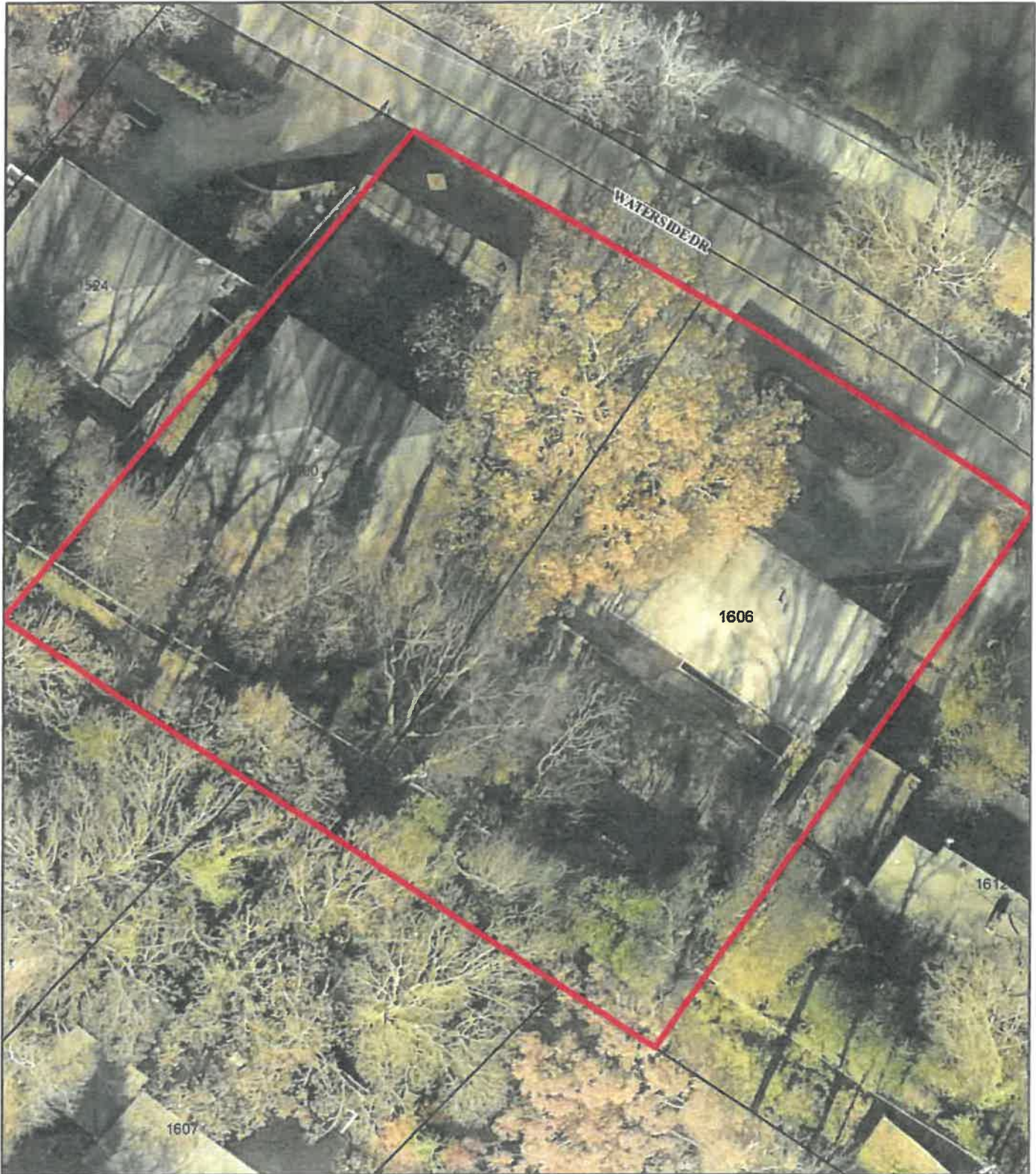
### EASEMENT DESCRIPTION

Situated in the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 2 North, Range 12 West in the City of North Little Rock, Pulaski County, Arkansas and being known as:

A 3 foot wide Sewer and Utility Easement lying upon the westerly 3 feet of said Lot 82, being bounded as follows; along the west by the easterly line of Lot 81 of said Block 127, along the south by the northerly line of an 8 foot wide Sewer and Utility Easement as shown by said Plat of Subdivision, along the east by a line lying parallel to and 3 feet easterly of said easterly line of Lot 81, and along the north by the southerly right of way of Waterside Drive, 50 feet wide, as shown by said plat of subdivision.



# Public Hearing Case # 2023-11



Ortho Map

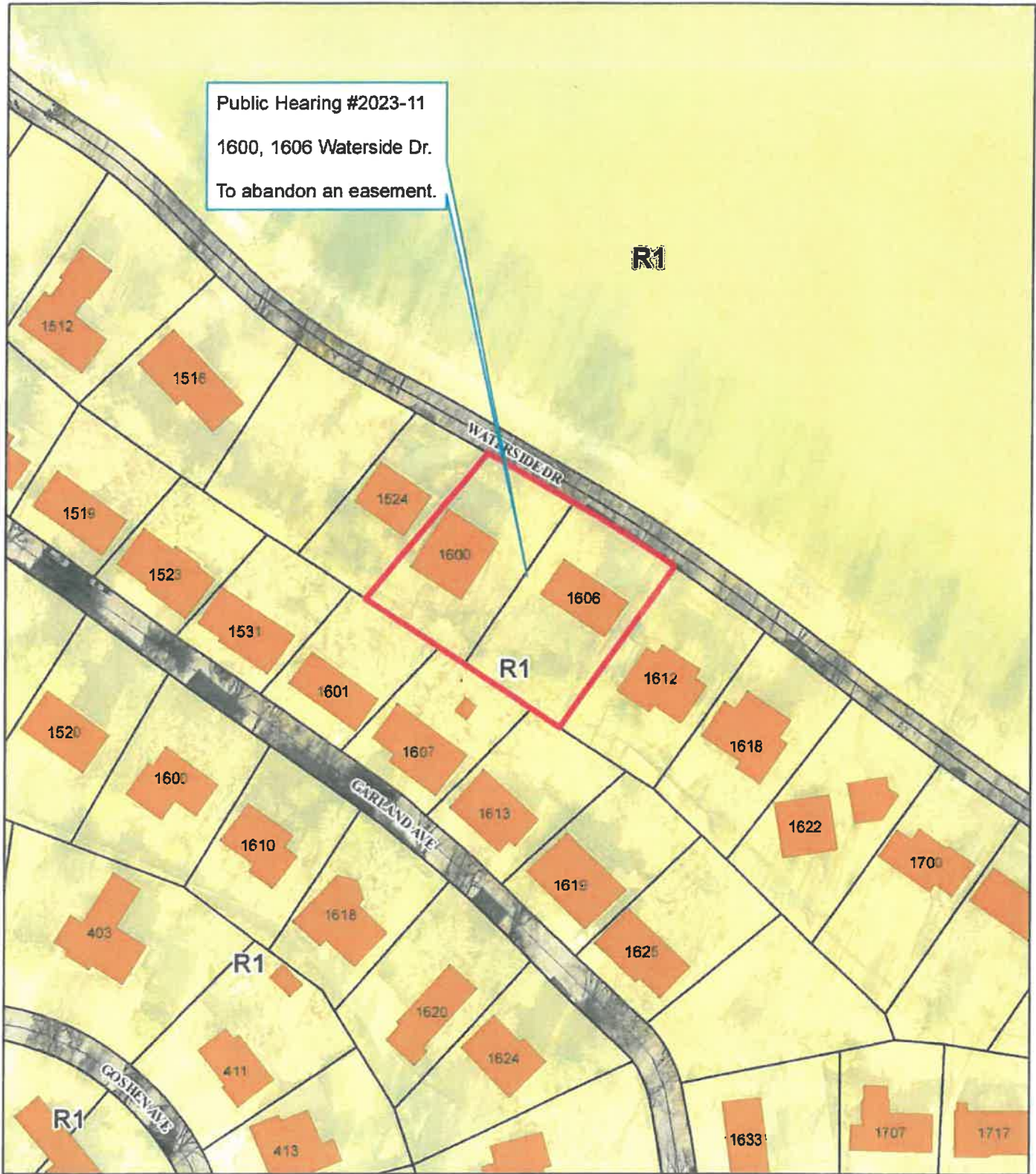
1 inch = 30 feet



Date: 6/15/2023

# Public Hearing Case # 2023-11

Public Hearing #2023-11  
1600, 1606 Waterside Dr.  
To abandon an easement.



Zoning Map

1 inch = 100 feet



Date: 6/15/2023

# Public Hearing Case # 2023-11



Easement to be abandoned.



Ortho Map

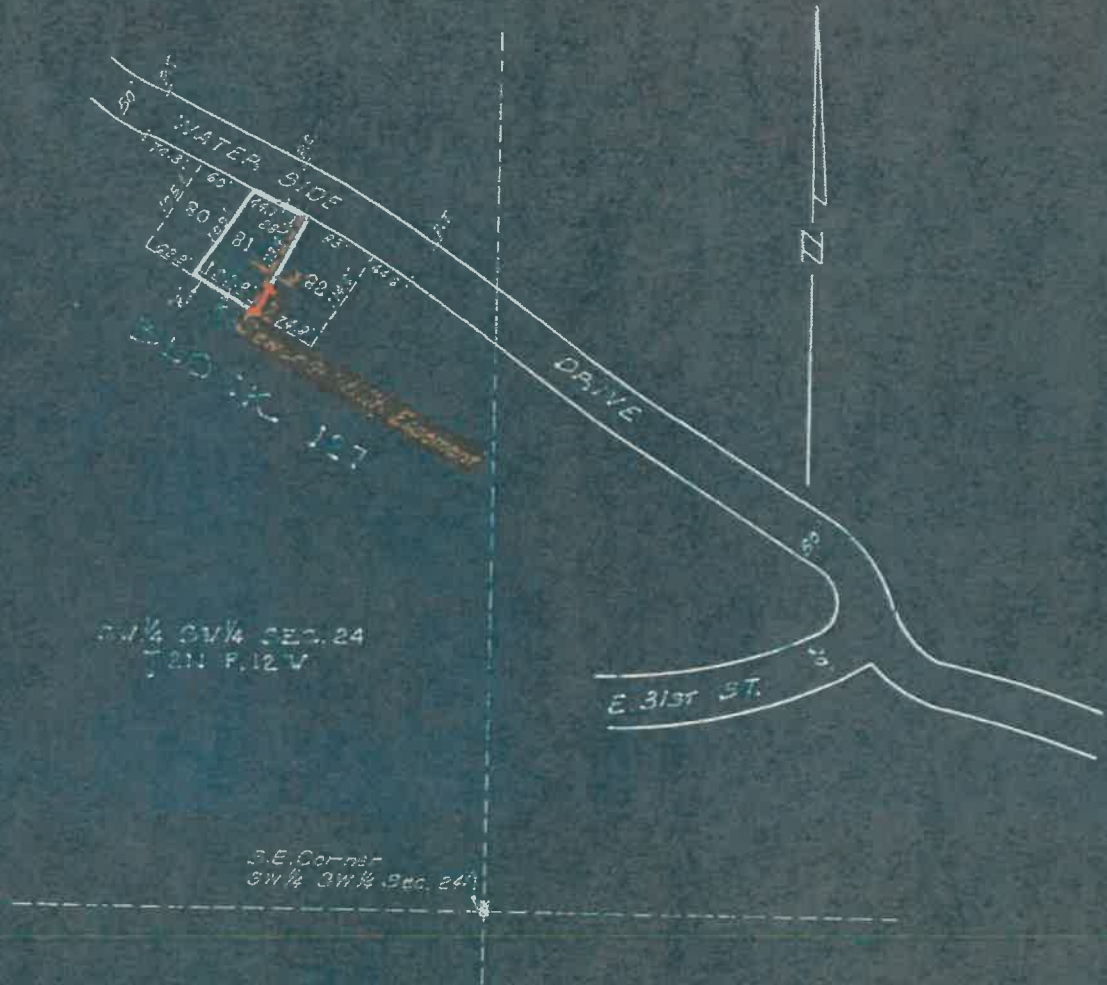
1 inch = 30 feet



Date: 6/15/2023

ARTHUR H. THOMAS  
CIVIL ENGINEER

121 WEST SECOND STREET • PHONE 5-5531  
LITTLE ROCK, ARKANSAS



PLAT OF

LOT 81, BLOCK 127, PINK HILL ADDITION TO NORTH LITTLE ROCK, ARKANSAS in the  
S.W. 1/4 S.W. 1/4, Section 24, Township 2 North, Range 12 West.

METROPOLITAN TRUST COMPANY

NOVEMBER, 1953  
SCALE 1" = 200'

METROPOLITAN TRUST COMPANY

121 WEST SECOND STREET  
LITTLE ROCK, ARKANSAS



PLAT OF

LOT 33, BLOCK 2 and LOTS 14, 82, 83, 84 and 85, BLOCK 127, PARK HILL ADDITION TO NORTH LITTLE ROCK, ARKANSAS in the S $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 24, Township 2 North, Range 12 West and LOTS 58, 59, 60, 61 and 62, BLOCK 133, PARK HILL ADDITION TO NORTH LITTLE ROCK, ARKANSAS partly in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 24, Township 2 North, Range 12 West and partly in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 2 North, Range 12 West

AND RE-PLAT OF

Lot 15, Block 127, Park Hill Addition to North Little Rock, Arkansas in the S $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 24, Township 2 North, Range 12 West.

METROPOLITAN TRUST COMPANY  
A. H. THOMAS, Reg. Professional Eng'r #848

MAY 1952  
SCALE 1" = 200'