

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

**AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 7520 COUNTS MASSIE ROAD 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, at a regularly scheduled meeting held on July 11, 2023, the North Little Rock Planning Commission approved a preliminary replat of Lots 1R and 6 of the Wrights Industrial Subdivision, which includes the herein described easement; and

WHEREAS, Thomas Engineering, 3810 Lookout Road, North Little Rock, Arkansas 72116, has requested that the unused utility easement located at 7520 Counts Massie Road be vacated to develop a new warehouse on the replat (see letter from Mr. Pownall 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 7520 Counts Massie Road, more particularly described in Exhibit D (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SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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

Ron Harris

Council Member Ron Harris

by AF

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>10:55</u>     | A.M. | __ | P.M. |
| By   | <u>A. Fields</u> |      |    |      |
| DATE   | <u>12-19-23</u>  |      |    |      |
| <b>Diane Whitbey, City Clerk and Collector<br/>North Little Rock, Arkansas</b> |                  |      |    |      |
| RECEIVED BY  | <u>S. Ussery</u> |      |    |      |



**THOMAS ENGINEERING COMPANY**

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116  
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501)753-4463

December 1, 2023

Mrs. Donna James, AICP  
Assistant Director of Planning  
City of North Little Rock  
120 Main Street  
North Little Rock, AR 72114

RE: Easement Abandonment  
Lot A, Wright Industrial Subdivision

Dear Mrs. James:

Please accept this letter to serve as our request to abandon easements within Lots 1R and 6, Wrights Industrial Subdivision.

The two lots are being developed and replatted into one lot as shown on the attached preliminary plat and site plan. The new warehouse to be constructed on the site necessitates the easement abandonment.

Included with this letter are the following documents:

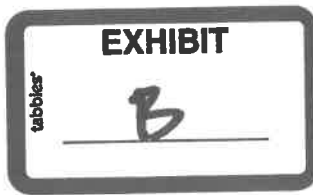
1. Exhibit A, map of easement abandonment
2. Exhibit B, legal description of easement abandonment
3. Utility company approvals of easement abandonment.
4. Site Plan.
5. Preliminary Plat

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Pownall".

Thomas R. Pownall, P.E.  
Vice President



NLR PUBLIC WORKS

Thomas R. Pownall, P.E.

From: DWelch@nlr.ar.gov
Sent: Thursday, November 2, 2023 7:53 AM
To: thomas@thomasengineering2000.com
Subject: RE: Easement Abandonment on 520 Counts Massie Road

Good morning Thomas, Engineering has no issue with this and approves the abandonments.



Dustin Welch
City Engineer III, A
700 W. 29th St.
North Little Rock, AR 72114
Cell: (501) 539-1200

From: Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>
Sent: Wednesday, November 1, 2023 2:56 PM
To: 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Underwood, Kristy <kunderwood@nlrwu.com>; Joni Bates <jbates@summitutilities.com>; Wilson, James (Brandon) <JWilson@nlr.ar.gov>; Finch, Mark <MFinch@nlr.ar.gov>; Chris Keathley <ck0826@att.com>; Tim Monroe <tm994c@att.com>; Welch, Dustin <DWelch@nlr.ar.gov>; Klamm, Michael <MKlamm@nlr.ar.gov>
Cc: jb@thomasengineering2000.com; James, Donna <DJames@nlr.ar.gov>
Subject: Easement Abandonment on 520 Counts Massie Road

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.

All

We are developing on Proposed Lot 1A, Wright Industrial Subdivision. The address is 7520 Counts Massie Road. The property is currently platted as several lots with internal easements. We need to abandon the internal easements shown by hatching. When we replat into the one, larger lot, we will add 10 foot easements along the perimeter as shown.

Also attached is the site plan and utility plan. I do not think it will be a problem for any of you

Please review and reply by this email if you approve of the abandonments.

Thanks so much

Thomas R. Pownall, P.E.
Vice President



5811 Lockout Road
North Little Rock, AR 72116

## James, Donna

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**To:** Thomas R. Pownall, P.E.  
**Subject:** RE: resend me the email requesting the easement abandonment - I need to provide a response to your request from planning

Planning has no issue with the request to abandonment the easements as indicated.

**From:** Thomas R. Pownall, P.E. <[thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)>  
**Sent:** Monday, December 11, 2023 4:26 PM  
**To:** James, Donna <[DJames@nlr.ar.gov](mailto:DJames@nlr.ar.gov)>  
**Subject:** RE: resend me the email requesting the easement abandonment - I need to provide a response to your request from planning

**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.

Donna,

We are developing on Proposed Lot 1A, Wright Industrial Subdivision. The address is 7520 Counts Massie Road. The property is currently platted as several lots with internal easements. We need to abandon the internal easements shown by hatching. When we replat into the one, larger lot, we will add 10 foot easements along the perimeter as shown.

Also attached is the site plan and utility plan. I do not think it will be a problem for any of you.

Please review and reply by this email if you approve of the abandonments.

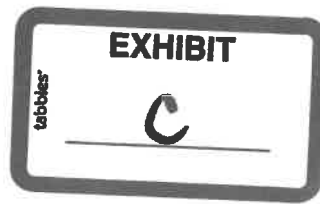
Thanks so much.

Thomas R. Pownall, P.E.  
Vice President



CIVIL ENGINEERS LAND SURVEYORS  
3810 Lookout Road  
North Little Rock, AR 72116  
501.753.4463 - O  
501.351.6695 - M

**From:** [DJames@nlr.ar.gov](mailto:DJames@nlr.ar.gov) <[DJames@nlr.ar.gov](mailto:DJames@nlr.ar.gov)>  
**Sent:** Monday, December 11, 2023 4:21 PM  
**To:** [thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)



643

Thomas R. Pownall, P.E.

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**From:** Courtney Johnston <cjohnston@summitutilities.com>  
**Sent:** Thursday, November 2, 2023 9:15 AM  
**To:** Thomas R. Pownall, P.E.  
**Cc:** Joni Bates  
**Subject:** RE: [EXTERNAL EMAIL] Easement Abandonment on 520 Counts Massie Road  
**Attachments:** 1.0 HORTON WAREHOUSE - WRIGHT INDUSTRIAL B-SITE.pdf; 4.0 HORTON WAREHOUSE - WRIGHT INDUSTRIAL B-UTILITIES pdf; WRIGHT INDUSTRIAL PLAT-22-0253 pdf

Good morning,

Summit Utilities does not object to the abandonment of the easement at 520 Counts Massie Rd. Summit Utilities does not have any facilities in the aforementioned easement. Summit Utilities recommends calling Arkansas One Call at 811 or by visiting askonecall.com to have all utilities located and marked prior to any excavation activities. If any exposed of Summit Utilities occurs, please contact Dylan Byrd at (501) 366-2028 immediately

Thank you,



Courtney Johnston  
Associate Engineer | AR/OK Region  
501 398 4157  
cjohnston@summitutilities.com

**From:** Joni Bates <jbates@summitutilities.com>  
**Sent:** Wednesday, November 1, 2023 3:22 PM  
**To:** Courtney Johnston <cjohnston@summitutilities.com>  
**Subject:** FW: [EXTERNAL EMAIL] Easement Abandonment on 520 Counts Massie Road

Please have someone review this.

Thanks, Joni



Joni Bates  
Customer Development  
501 772 1141

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering.2000.com>  
**Sent:** Wednesday, November 1, 2023 2:56 PM  
**To:** 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Underwood, Kristy <kunde\_w@nlr.gov>; Joni Bates <jbates@summitutilities.com>; Brandon Wilson <jwilson@nlr.ar.gov>; Mark Finch <MFinch@nlr.ar.gov>; Chris <ck0826@att.com>; Tim Monroe <tm994c@att.com>; Dustin Welch <DWelch@nlr.ar.gov>; Michael Klamm, P.E <mklamm@nlr.ar.gov>

**Thomas R. Pownall, P.E.**

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**From:** Underwood, Kristy <kunderwood@nlrwu.com>  
**Sent:** Thursday, November 2, 2023 2:46 PM  
**To:** Thomas R. Pownall, P.E.; 'Andrew Pownall'; Joni Bates; Brandon Wilson; Mark Finch; Chris; Tim Monroe; Dustin Welch; Michael Klamm, P.E.  
**Cc:** jb@thomasengineering2000.com; Donna James  
**Subject:** RE: Easement Abandonment on 520 Counts Massie Road

Thomas

NLRW has no objection to the abandonment of the easements.

Thank you,

Kristy Underwood  
 Engineering Assistant  
 North Little Rock Wastewater  
 7400 Baucum Pike  
 (PO Box 17898)  
 North Little Rock, AR 72117  
 501-945-7186



*A Clean Water Agency*

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Wednesday, November 1, 2023 2:56 PM  
**To:** 'Andrew Pownall' <Andrew.Pownall@carlw.com>; Underwood, Kristy <kunderwood@nlrwu.com>; Joni Bates <jbates@summitutilities.com>; Brandon Wilson <jwilson@nlr.ar.gov>; Mark Finch <MFinch@nlr.ar.gov>; Chris <ck0826@att.com>; Tim Monroe <tm994c@att.com>; Dustin Welch <DWelch@nlr.ar.gov>; Michael Klamm, P.E. <mklamm@nlr.ar.gov>  
**Cc:** jb@thomasengineering2000.com; Donna James <DJames@nlr.ar.gov>  
**Subject:** Easement Abandonment on 520 Counts Massie Road

All:

We are developing on Proposed Lot 1A, Wright Industrial Subdivision. The address is 7520 Counts Massie Road. The property is currently platted as several lots with internal easements. We need to abandon the internal easements shown by hatching. When we replat into the one, larger lot, we will add 10 foot easements along the perimeter as shown.

Also attached is the site plan and utility plan. I do not think it will be a problem for any of you.

Please review and reply by this email if you approve of the abandonments.

Thanks so much.

Thomas R. Pownall, P.E.  
 Vice President

**Thomas R. Pownall, P.E.**

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**From:** Fulmer, Curt <curt\_fulmer@comcast.com>  
**Sent:** Tuesday, November 7, 2023 5:37 PM  
**To:** Thomas R. Pownall, P.E.  
**Subject:** RE: [EXTERNAL] FW: Easement Abandonment on 520 Counts Massie Road

Comcast is good with the abandoned easement.  
Our plant is running on the poles along Counts Massie Rd.

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Tuesday, November 7, 2023 3:26 PM  
**To:** Fulmer, Curt <curt\_fulmer@comcast.com>  
**Subject:** [EXTERNAL] FW: Easement Abandonment on 520 Counts Massie Road

Curt,

Thanks so much for returning my call. My request is below. If you agree with the easement abandonment, you can simply respond to this email.

Thanks!

Thomas R. Pownall, P.E.  
Vice President



CIVIL ENGINEERS LAND SURVEYORS  
3810 Lookout Road  
North Little Rock, AR 72116  
501.753.4463 - O  
501.351.6695 - M

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Wednesday, November 1, 2023 2:56 PM  
**To:** 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Underwood, Kristy <kunderwood@nlrwu.com>; Joni Bates <jbates@summitutilities.com> <jbates@summitutilities.com>; Brandon Wilson <bwilson@nlr.ar.gov> <bwilson@nlr.ar.gov>; Mark Finch <MFinch@nlr.ar.gov> <MFinch@nlr.ar.gov>; Chris <ck0826@att.com> <ck0826@att.com>; Tim Monroe <tm994c@att.com> <tm994c@att.com>; Dustin Welch <DWelch@nlr.ar.gov> <DWelch@nlr.ar.gov>; Michael Klamm, P.E. <mklamm@nlr.ar.gov> <mklamm@nlr.ar.gov>  
**Cc:** 'jb@thomasengineering2000.com' <jb@thomasengineering2000.com>; Donna James <DJames@nlr.ar.gov> <DJames@nlr.ar.gov>  
**Subject:** Easement Abandonment on 520 Counts Massie Road

All:

We are developing on Proposed Lot 1A, Wright Industrial Subdivision. The address is 7520 Counts Massie Road. The property is currently platted as several lots with internal easements. We need to abandon the internal easements



**Thomas R. Pownall, P.E.**

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**From:** Henderson, Jeremy <jhende9@entergy.com>  
**Sent:** Wednesday, November 8, 2023 1:01 PM  
**To:** Thomas R. Pownall, P.E.  
**Subject:** RE: Easement Abandonment on 520 Counts Massie Road

Entergy approves.

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Thursday, November 2, 2023 9:31 AM  
**To:** Henderson, Jeremy <jhende9@entergy.com>  
**Subject:** FW: Easement Abandonment on 520 Counts Massie Road

**EXTERNAL SENDER. DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password.**

Jeremy,

I thought this address was NLR Electric, but is it not.

Can you please review and comment on my below easement abandonment request?

Thanks

Thomas R. Pownall, P.E.  
 Vice President



CIVIL ENGINEERS LAND SURVEYORS  
 3810 Lookout Road  
 North Little Rock, AR 72116  
 501.753.4463 - O  
 501.351.6695 - M

**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Wednesday, November 1, 2023 2:56 PM  
**To:** 'Andrew Pownall' <Andrew.Pownall@carkw.com>; Underwood, Kristy <kunderwood@nlrwu.com>; Joni Bates (jbates@summitutilities.com) <jbates@summitutilities.com>; Brandon Wilson (wilson@nlr.ar.gov) <jwilson@nlr.ar.gov>; Mark Finch (MFinch@nlr.ar.gov) <MFinch@nlr.ar.gov>; Chris (ck0826@att.com) <ck0826@att.com>; Tim Monroe (tm994c@att.com) <tm994c@att.com>; Dustin Welch (DWelch@nlr.ar.gov) <DWelch@nlr.ar.gov>; Michael Klamm, P.E. (mklamm@nlr.ar.gov) <mklamm@nlr.ar.gov>  
**Cc:** 'jb@thomasengineering2000.com' <jb@thomasengineering2000.com>; Donna James (DJames@nlr.ar.gov) <DJames@nlr.ar.gov>  
**Subject:** Easement Abandonment on 520 Counts Massie Road

water/CAW

**Thomas R. Pownall, P.E.**

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**From:** Jason Lowder <Jason.Lowder@carkw.com>  
**Sent:** Tuesday, November 14, 2023 1:59 PM  
**To:** Thomas R. Pownall, P.E.  
**Subject:** RE: [External] FW: Easement Abandonment on 520 Counts Massie Road

Central Arkansas Water has no objections.

Respectfully,

Jason Lowder, Engineering Technician  
[jason.lowder@carkw.com](mailto:jason.lowder@carkw.com)  
501-377-1245



**From:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Sent:** Wednesday, November 8, 2023 10:30 AM  
**To:** Andrew Pownall <Andrew.Pownall@carkw.com>; Jason Lowder <Jason.Lowder@carkw.com>  
**Subject:** [External] FW: Easement Abandonment on 520 Counts Massie Road

**[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.

Hey guys. Can I get a response to this easement abandonment please.

Thanks

Thomas R. Pownall, P.E.  
Vice President



CIVIL ENGINEERS LAND SURVEYORS  
3810 Lookout Road  
North Little Rock, AR 72116  
501.753.4463 - O  
501.351.6695 - M

**From:** Thomas R. Pownall, P.E. <[thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)>  
**Sent:** Wednesday, November 1, 2023 2:56 PM

AT&T

**Thomas R. Pownall, P.E.**

---

**From:** GREGORY, TODD R <tg5473@att.com>  
**Sent:** Wednesday, November 29, 2023 4:36 PM  
**To:** thomas@thomasengineering2000.com  
**Subject:** FW: Easement Abandonment on 520 Counts Massie Road  
**Attachments:** WRIGHT INDUSTRIAL PLAT-22-0253.pdf; 1.0 HORTON WAREHOUSE - WRIGHT INDUSTRIAL B-SITE.pdf; 4.0 HORTON WAREHOUSE - WRIGHT INDUSTRIAL B-UTILITIES.pdf

Mr. Pownall,

Good Afternoon Sir. I am sending you this email to let you know that Southwestern Bell Telephone Company d/b/a AT&T Arkansas has no objections to abandoning the easements that you have presented. Please let me know if you will need anything else. Thank You Sir. -tg

*Thank You, Todd R. Gregory*



**Todd R. Gregory**  
AT&T Arkansas & SW Missouri  
Right-of-Way & Pole Ops Mgr.

P O Box 6505  
Hot Springs AR 71902

*Serve Customers First* 

*Move Faster* 

*Act Boldly* 

*Win As One* 

This message and any attachments to it contain confidential business information intended solely for the recipients. If you have received this email in error please do not forward or distribute it to anyone else, but telephone 501-321-3207 to report the error, and then delete this message from your system.

**From:** PAGE, LORAN L <LP1318@att.com>  
**Sent:** Thursday, November 2, 2023 1:06 PM  
**To:** GREGORY, TODD R <tg5473@att.com>  
**Cc:** Thomas R. Pownall, P.E. <thomas@thomasengineering2000.com>  
**Subject:** FW: Easement Abandonment on 520 Counts Massie Road

Todd,

I have reviewed the plat and the easement abandonment requested. We don't appear to have any facilities in the internal easements on this lot marked with hash lines. Our only facilities are located in the Counts Massie row, and the easement directly behind the row. Can you work with Mr. Pownall to get him that he needs to proceed?



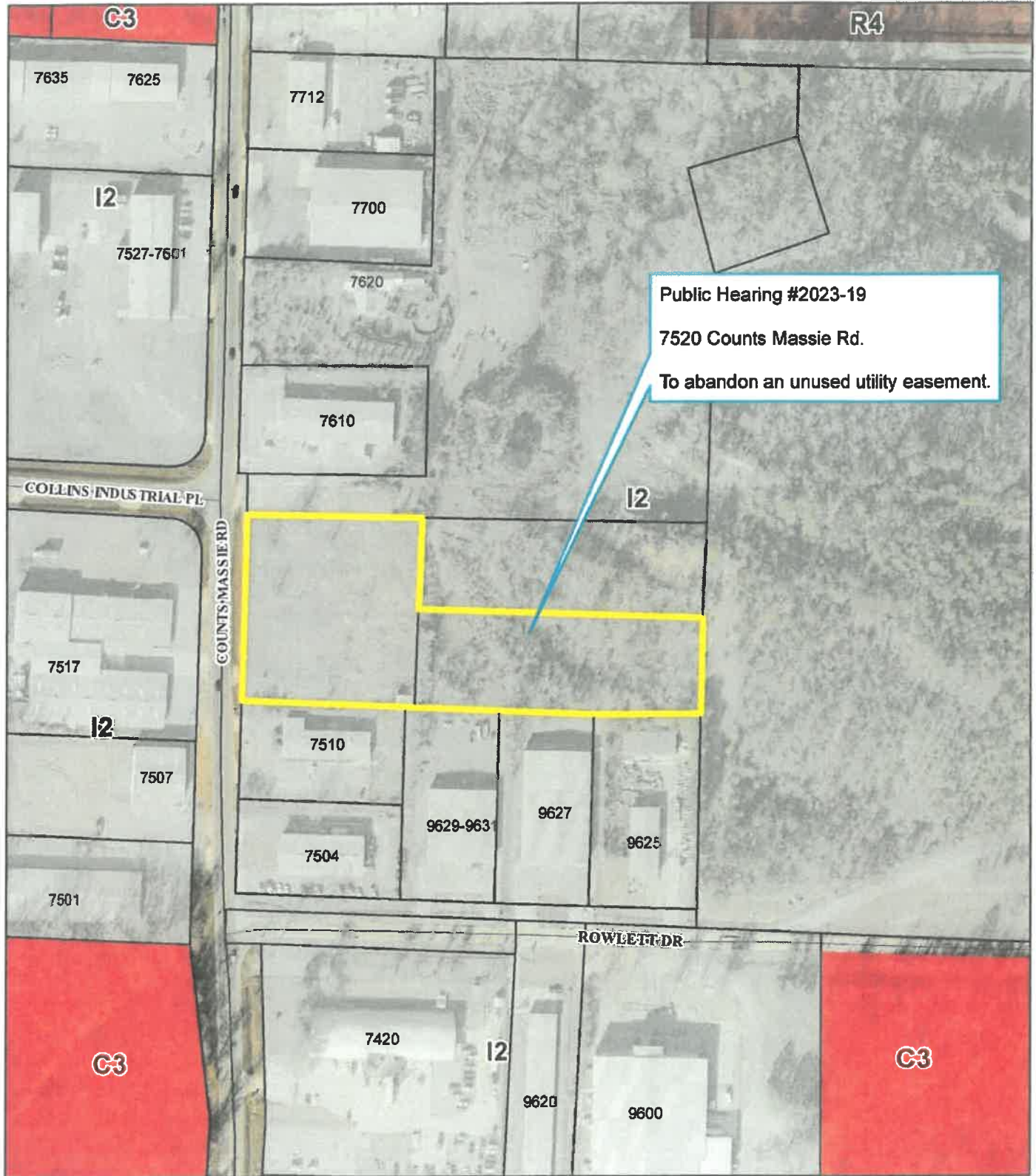
**LEGAL DESCRIPTION OF EASEMENTS TO BE ABANDONED**

**A 10 FOOT EASEMENT LYING WEST OF AND ALONG EAST LINE OF LOT 1R WRIGHTS INDUSTRIAL SUBDIVISION, CITY OF NORTH LITTLE ROCK, PULASKI, COUNTRY, AR.**

**A 16 FOOT EASEMENT LYING SOUTH OF AND ALONG THE NORTH LINE, AND A 16 FOOT WIDE EASEMENT LYING EAST OF AND ALONG THE WEST LINE, AND A 16 FOOT WIDE EASEMENT LYING NORTH OF AND ALONG THE SOUTH LINE, AND A 35 FOOT WIDE EASEMENT LYING WEST OF AND ALONG THE EAST LINE OF FOLLOWING DESCRIBED PART OF LOT 6 WRIGHTS INDUSTRIAL SUBDIVISION, CITY OF NORTH LITTLE ROCK, PULASKI, COUNTRY, AR:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 1R;  
THENCE N 01° 41' 07" E ALONG THE EAST LINE OF LOT 1R FOR 144.67 FEET TO THE NORTHWEST CORNER OF LOT 6;  
THENCE S 88° 32' 41" E ALONG THE NORTH LINE OF LOT 6 FOR 417.7 TO THE NORTHEAST CORNER OF LOT 6;  
THENCE S 01° 46'36" W ALONG THE EAST LINE OF LOT 6 FOR 144.99 FEET;THENCE N 88° 30' 03" W FOR 417.47 FEET TO THE POINT OF BEGINNING.**

# Public Hearing Case # 2023-19



Public Hearing #2023-19  
 7520 Counts Massie Rd.  
 To abandon an unused utility easement.



Zoning Map

1 inch = 200 feet



# Public Hearing Case # 2023-19



Easement to be abandoned.

COUNTS/MASSIERD

7610

7510

7504

9629-9631

9627

9625



Ortho Map

1 inch = 100 feet



Date: 12/11/2023



MEMBER NATIONAL SOCIETY  
PROFESSIONAL ENGINEERS

# THOMAS ENGINEERING COMPANY

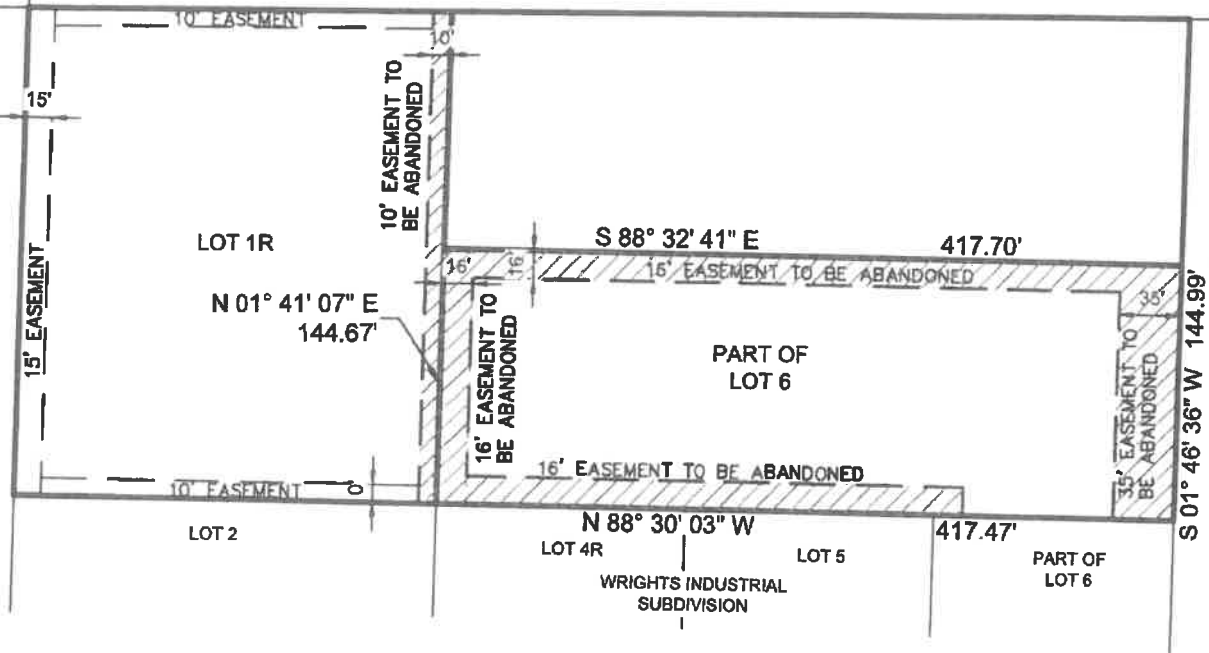
3810 LOOKOUT ROAD  
NORTH LITTLE ROCK, ARKANSAS 72118  
TELE. No. 501-753-4463 FAX 501-753-0814

CIVIL ENGINEERS—LAND SURVEYORS  
LAND PLANNING & DEVELOPMENT  
RESIDENTIAL—COMMERCIAL—INDUSTRIAL

## EXHIBIT A



COUNTS MASSIE ROAD (80'R/W)



DATE: 11/30/23  
SCALE: 1" = 100'





