

ORDINANCE NO. ____

AN ORDINANCE VACATING AND ABANDONING A PORTION OF RIGHT OF WAY LOCATED ON OLD W. 13TH STREET BETWEEN MAIN STREET AND MOPAC RAILROAD RIGHT OF WAY IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

WHEREAS, Thomas Engineering Company, on behalf of Terra Forma, LLC, P. O. Box 13437, Maumelle, Arkansas, 72113 has requested that the City of North Little Rock abandon a portion of right-of-way located on Old W. 13th Street between Main Street and Mopac Railroad (see letter from Thomas Engineering attached hereto as Exhibit A and maps attached hereto, collectively, as Exhibit B) for the purpose of replatting the property and re-purposing the Old Argenta School Building; and

WHEREAS, Terra Forma LLC is the only landowner adjacent to the street to be closed; and

WHEREAS, there are no objections to the abandonment by Central Arkansas Water, CenterPoint Energy, Comcast, the North Little Rock Electric Department, and the North Little Rock Planning Department (see letters attached hereto, collectively, as Exhibit C); and

WHEREAS, Terra Forma LLC's application to abandon a portion of right of way located on Old W. 13th Street between Main Street and the Mopac Railroad was duly considered and approved (7 affirmative votes; 2 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on May 9, 2017; and

WHEREAS, the City Council finds that it is in the best interests of the citizens and residents of the City of North Little Rock that the said right of way be abandoned.

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

SECTION 1: That the City of North Little Rock hereby abandons the portion of right of way located on Old W. 13th Street between Main Street and the Mopac Railroad (see maps attached hereto as Exhibit B, which are incorporated herein by reference).

SECTION 2: That there are no existing roadways within the subject right-of-way to be preserved.

SECTION 3: That this abandonment does not abandon any existing utility easements. Therefore, any and all existing utility, drainage and sewer easements within the property described above shall be unaffected by this Ordinance.

SECTION 4: 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 5: That it is hereby found and determined that the herein described abandonment will not interfere with the continued use of the subject street, will provide fences and security for area residents, 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 Joe A. Smith

SPONSORS:

ATTEST:

Beth White
Council Member Beth White *by AP*

Diane Whitbey, City Clerk

Debi Ross
Council Member Debi Ross *by AP*

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>10:53</u> A.M. _____ P.M.
By <u>City Atty Amy Fields</u>
DATE <u>11-20-18</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>Ko Thomas</u>



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116

(501) 753-4463

FAX (501) 753-6814

November 7, 2018

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

City of North Little Rock
NLR City Council
300 Main Street
North Little Rock, AR 72119

RE: Street Closing
W 13th Street

Dear Council Members:

Terra Forma, LLC purchased the Argenta School site and adjacent parking from the North Little Rock School District in 2015. Upon a title search of the records on this property, no evidence was found that Old W. 13th Street (shown previously as 2nd Street on the plat of North Argenta dated 1882) was closed by the city. The school district built the Argenta School partially in the right-of-way of Old W. 13th Street lying between Blocks 45 and 46 North Argenta Addition.


Terra Forma wishes to close Old W. 13th Street between Main Street and the Mopac Rail-Road right-of-way and to replat the property in order to re-purpose the Old Argenta School building. Easements for existing utilities will provide on the replat to the satisfaction of the utility companies.

The applicant, Terra Forma, is the only landowner adjacent to the street to be closed. Contact information is as follows:

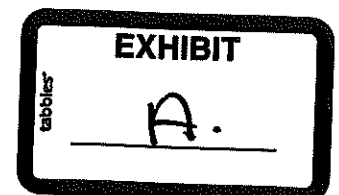
Terra Forma, LLC
P.O. Box 13437
Maumelle, AR 72113
501-517-7220 (Dave Brunning)

If you have any questions, please let me know.

Sincerely,


John R. Pownall, P.E.

JRP/ab



Public Hearing Case # 2018-27



Public Hearing #2018-27
To abandon right of way at 13th St. and Main St.

EXHIBIT
tabbles B.



Ortho Map

1 inch = 100 feet



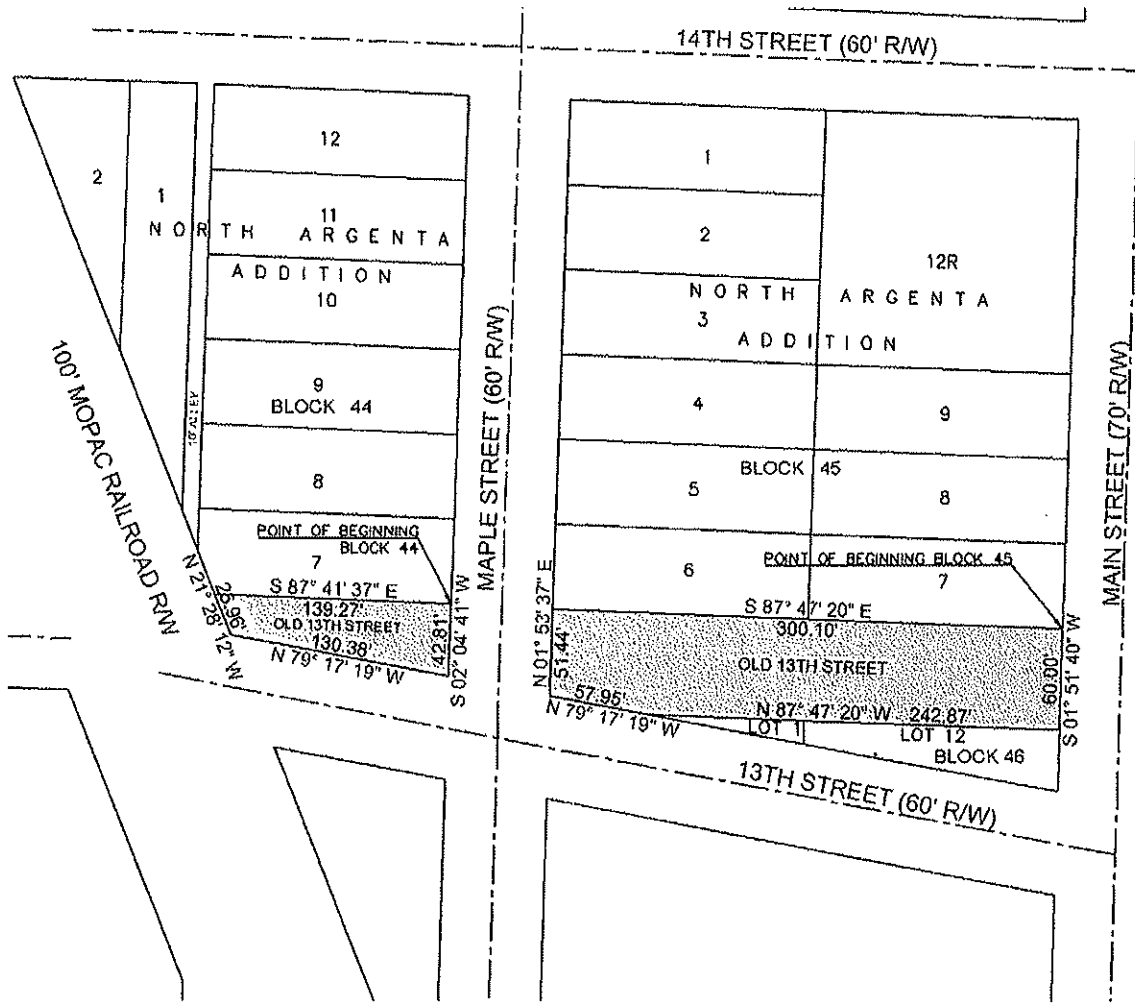
Date: 11/7/2018



MEMBER NATIONAL SOCIETY
PROFESSIONAL ENGINEERS

THOMAS ENGINEERING COMPANY
3810 LOOKOUT ROAD
NORTH LITTLE ROCK, ARKANSAS 72116
TELE. No. 501-763-4483 FAX. 501-763-6814

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



**LEGAL DESCRIPTION
STREET CLOSURE**

TWO TRACTS OF LAND IN THE NORTH ARGENTA ADDITION, TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF OLD W. 13TH STREET (SHOWN PREVIOUSLY AS 2ND STREET ON THE PLAT OF NORTH ARGENTA DATED 1883 AND RECORDED IN THE RECORDS OF PULASKI COUNTY) LYING BETWEEN BLOCKS 45 AND 46 OF NORTH ARGENTA ADDITION AND BETWEEN THE WESTERLY RIGHT OF WAY LINE OF MAIN STREET (60' R/W) AND THE EASTERLY RIGHT OF WAY LINE OF MAPLE STREET (60' R/W), MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 45;
THENCE S 1° 51' 40" W FOR 60.0 FEET TO THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK 46;
THENCE N 87° 47' 20" W FOR 242.87 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF PRESENT W. 13TH STREET;
THENCE N 79° 17' 19" W ALONG SAID NORTH RIGHT OF WAY LINE FOR 57.95 FEET;
THENCE N 1° 53' 37" E FOR 51.44 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 45;
THENCE S 87° 47' 20" E FOR 300.10 FEET TO THE POINT OF BEGINNING;

AND A PART OF OLD W. 13TH STREET (SHOWN PREVIOUSLY AS 2ND STREET ON THE PLAT OF NORTH ARGENTA) LYING SOUTH OF LOT 7, BLOCK 44 NORTH ARGENTA ADDITION AND NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF PRESENT W. 13TH STREET (60' R/W), MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7 BLOCK 44;
THENCE S 2° 04' 41" W FOR 42.81 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF PRESENT W. 13TH STREET;
THENCE N 79° 17' 19" W ALONG SAID NORTH RIGHT OF WAY LINE FOR 130.38 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MOPAC RAILROAD;
THENCE N 21° 28' 12" W ALONG SAID MOPAC RIGHT OF WAY LINE FOR 25.96 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7 BLOCK 44;
THENCE S 87° 41' 37" E ALONG SAID SOUTH LINE FOR 139.27 FEET TO THE POINT OF BEGINNING.

SCALE: 1" = 100'

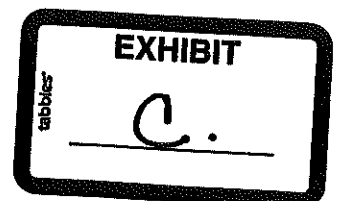
john@thomasengineering2000.com

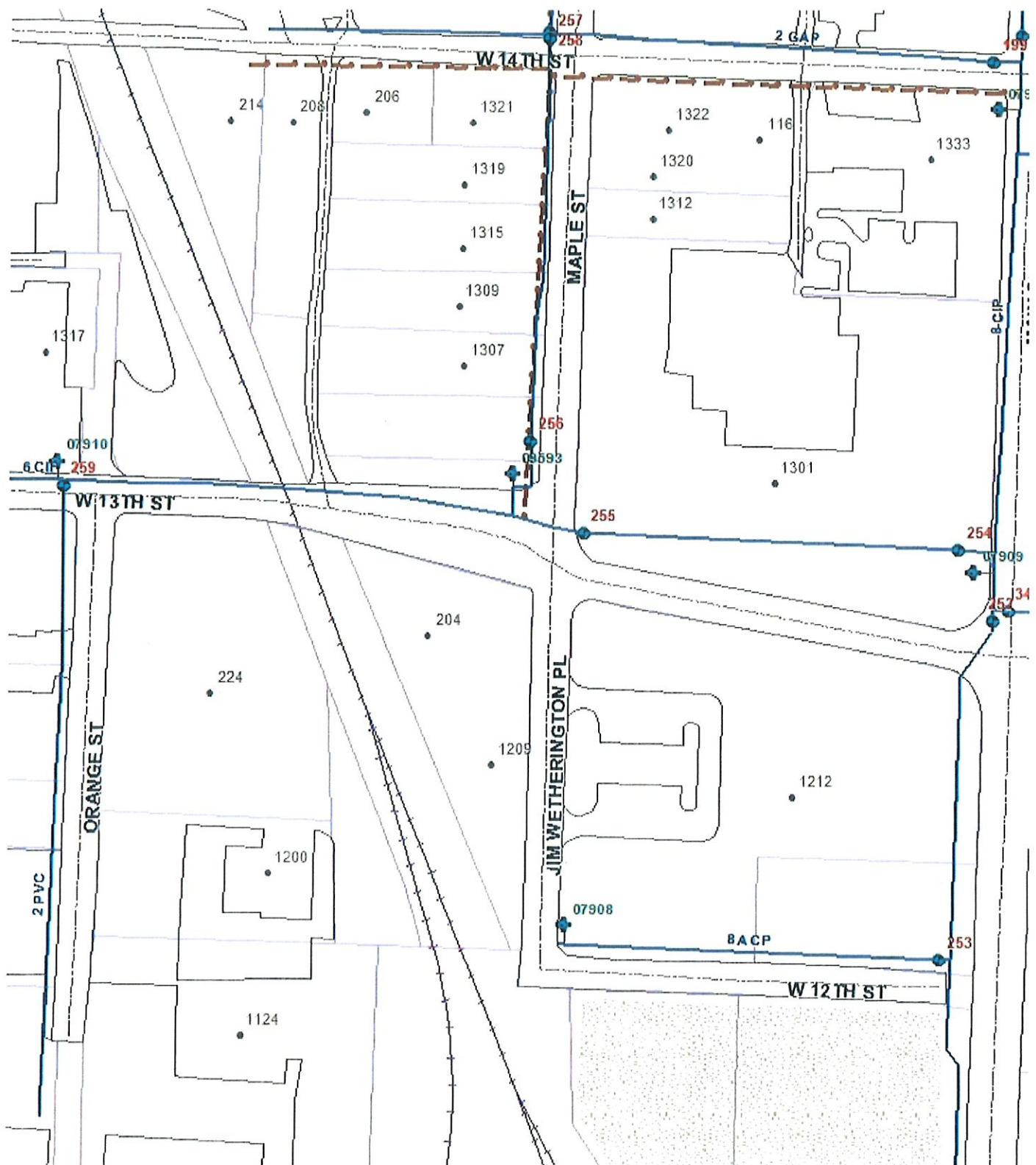
From: Thomas Wray <Thomas.Wray@carkw.com>
Sent: Monday, June 4, 2018 2:39 PM
To: April; dross@nlr.ar.gov; nlrfd@nlr.ar.gov; nlrtraffic@northlittlerock.ar.gov; SSpencer@nlr.ar.gov; Davis, J. Michael (Chief); SSpringer@nlr.ar.gov; gwoodward@nlr.ar.gov; joni.bates@centerpointenergy.com; mklamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; mfinch@nlr.ar.gov; Kenneth.fuentes@centerpointenergy.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: RE: PETITION TO CLOSE A STREET

April – CAW has a 6" water main that appears to be located in "Old W. 13th Street" that needs to be addressed. Please see the attached map below.

Thanks.

Tom Wray
Central Arkansas Water, Engineering
(501) 377-1221





From: April [mailto:april@thomasengineering2000.com]
Sent: Tuesday, May 29, 2018 2:29 PM
To: dross@nlr.ar.gov; nlrfd@nlr.ar.gov; nlrtraffic@northlittlerock.ar.gov; SSpencer@nlr.ar.gov; Davis, J. Michael (Chief); SSpringer@nlr.ar.gov; gwoodward@nlr.ar.gov; joni.bates@centerpointenergy.com; mklamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; mfinch@nlr.ar.gov; Thomas Wray; Kenneth.fuentes@centerpointenergy.com

john@thomasengineering2000.com

From: Fuentes, Kenneth W <kenneth.fuentes@centerpointenergy.com>
Sent: Tuesday, May 29, 2018 3:49 PM
To: April; dross@nlr.ar.gov; nlrfd@nlr.ar.gov; nlrtraffic@northlittlerock.ar.gov; SSpencer@nlr.ar.gov; Davis, J. Michael (Chief); SSpringer@nlr.ar.gov; gwoodward@nlr.ar.gov; Bates, Joni B.; mklamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; mfinch@nlr.ar.gov; thomas.wray@carkw.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: RE: [External Email] PETITION TO CLOSE A STREET
Attachments: W. 13th St Closure.pdf

Ms. Bailey,

CenterPoint does not object to this street closure.

Thanks,

Kenneth W. Fuentes, EI
Engineer II

Southern Gas Operations | Arkansas/Oklahoma Region
401 W. Capitol Ave, Suite 600 | Little Rock, AR 72201
Office: 501-377-4606 | Fax: 501-377-4733 | Mobile: 501-516-9585
kenneth.fuentes@centerpointenergy.com



From: April [mailto:april@thomasengineering2000.com]
Sent: Tuesday, May 29, 2018 2:29 PM
To: dross@nlr.ar.gov; nlrfd@nlr.ar.gov; nlrtraffic@northlittlerock.ar.gov; SSpencer@nlr.ar.gov; Davis, J. Michael (Chief) <Mike.Davis@NLRPolice.org>; SSpringer@nlr.ar.gov; gwoodward@nlr.ar.gov; Bates, Joni B. <joni.bates@centerpointenergy.com>; mklamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; mfinch@nlr.ar.gov; thomas.wray@carkw.com; Fuentes, Kenneth W <kenneth.fuentes@centerpointenergy.com>
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: [External Email] PETITION TO CLOSE A STREET

EXTERNAL EMAIL

Good Afternoon

Please find the petition to close a street – Old W 13th Street between Main Street and MOPAC RR Right-of-way.

Enclosed is a letter asking for your comment on whether you have a problem or not. Please email this back to april@thomasengineering2000.com.

john@thomasengineering2000.com

From: GWoodward@nlr.ar.gov
Sent: Tuesday, May 29, 2018 2:55 PM
To: april@thomasengineering2000.com; DRoss@nlr.ar.gov; NLRFD@nlr.ar.gov; Traffic@nlr.ar.gov; SSpencer@nlr.ar.gov; Mike.Davis@NLRPolice.org; SSpringer@nlr.ar.gov; joni.bates@centerpointenergy.com; MKlamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; MFinch@nlr.ar.gov; Thomas.wray@carkw.com; kenneth.fuentes@centerpointenergy.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: RE: PETITION TO CLOSE A STREET

We have no problem closing this street.

Thanks,
Greg Woodward

Distribution Design Supervisor
City of North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@northlittlerock.ar.gov
Office: (501)992-4073
Fax: (501)992-4166

From: April [mailto:april@thomasengineering2000.com]
Sent: Tuesday, May 29, 2018 2:30 PM
To: Ross, Debi <DRoss@nlr.ar.gov>; NLRFD <NLRFD@nlr.ar.gov>; NLRTraffic <Traffic@nlr.ar.gov>; Spencer, Shawn <SSpencer@nlr.ar.gov>; Davis, Mike <Mike.Davis@NLRPolice.org>; Springer, Scott <SSpringer@nlr.ar.gov>; Woodward, Gregory <GWoodward@nlr.ar.gov>; joni.bates@centerpointenergy.com; Klamm, Michael <MKlamm@nlr.ar.gov>; Scott Kerby <skerby@nlrwu.com>; Chris Keathley <ck0826@att.com>; Curt Fulmer <curt_fulmer@cable.comcast.com>; Finch, Mark <MFinch@nlr.ar.gov>; Thomas Wray <Thomas.wray@carkw.com>; Kenneth Fuentes <kenneth.fuentes@centerpointenergy.com>
Cc: John Pownall <john@thomasengineering2000.com>; Johnathan.card@ciglocating.com
Subject: PETITION TO CLOSE A STREET

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If you have any questions, please let us know.

john@thomasengineering2000.com

From: SSpencer@nlr.ar.gov
Sent: Tuesday, May 29, 2018 5:39 PM
To: april@thomasengineering2000.com; DRoss@nlr.ar.gov; Mike.Davis@NLRPolice.org; SSpringer@nlr.ar.gov; GWoodward@nlr.ar.gov; joni.bates@centerpointenergy.com; MKlamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; curt_fulmer@cable.comcast.com; MFinch@nlr.ar.gov; Thomas.wray@carkw.com; kenneth.fuentes@centerpointenergy.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: RE: PETITION TO CLOSE A STREET

Planning has no concerns with abandoning that section of West 13th.

Shawn Spencer
NLR Planning

From: April [mailto:april@thomasengineering2000.com]
Sent: Tuesday, May 29, 2018 2:30 PM
Subject: PETITION TO CLOSE A STREET

Good Afternoon

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Enclosed is a letter asking for your comment on whether you have a problem or not. Please email this back to april@thomasengineering2000.com.

If you have any questions, please let us know.

Thank you

April D Bailey
Thomas Engineering Company

Disclaimer

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This email has been scanned for viruses and malware.

john@thomasengineering2000.com

From: Fulmer, Curt <Curt_Fulmer@comcast.com>
Sent: Tuesday, May 29, 2018 3:32 PM
To: GWoodward@nlr.ar.gov; april@thomasengineering2000.com; DRoss@nlr.ar.gov; NLRFD@nlr.ar.gov; Traffic@nlr.ar.gov; SSpencer@nlr.ar.gov; Mike.Davis@NLRPolice.org; SSpringer@nlr.ar.gov; joni.bates@centerpointenergy.com; MKlamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; MFinch@nlr.ar.gov; Thomas.wray@carkw.com; kenneth.fuentes@centerpointenergy.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: RE: PETITION TO CLOSE A STREET

Comcast does not have a problem with closing the street either.

From: GWoodward@nlr.ar.gov [mailto:GWoodward@nlr.ar.gov]
Sent: Tuesday, May 29, 2018 2:55 PM
To: april@thomasengineering2000.com; DRoss@nlr.ar.gov; NLRFD@nlr.ar.gov; Traffic@nlr.ar.gov; SSpencer@nlr.ar.gov; Mike.Davis@NLRPolice.org; SSpringer@nlr.ar.gov; joni.bates@centerpointenergy.com; MKlamm@nlr.ar.gov; skerby@nlrwu.com; ck0826@att.com; Fulmer, Curt <Curt_Fulmer@cable.comcast.com>; MFinch@nlr.ar.gov; Thomas.wray@carkw.com; kenneth.fuentes@centerpointenergy.com
Cc: john@thomasengineering2000.com; Johnathan.card@ciglocating.com
Subject: [EXTERNAL] RE: PETITION TO CLOSE A STREET

We have no problem closing this street.

Thanks,
Greg Woodward

Distribution Design Supervisor
City of North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@northlittlerock.ar.gov
Office: (501)992-4073
Fax: (501)992-4166

From: April [mailto:april@thomasengineering2000.com]
Sent: Tuesday, May 29, 2018 2:30 PM
To: Ross, Debi <DRoss@nlr.ar.gov>; NLRFD <NLRFD@nlr.ar.gov>; NLRTraffic <Traffic@nlr.ar.gov>; Spencer, Shawn <SSpencer@nlr.ar.gov>; Davis, Mike <Mike.Davis@NLRPolice.org>; Springer, Scott <SSpringer@nlr.ar.gov>; Woodward, Gregory <GWoodward@nlr.ar.gov>; joni.bates@centerpointenergy.com; Klamm, Michael <MKlamm@nlr.ar.gov>; Scott Kerby <skerby@nlrwu.com>; Chris Keathley <ck0826@att.com>; Curt Fulmer <curt_fulmer@cable.comcast.com>; Finch, Mark <MFinch@nlr.ar.gov>; Thomas Wray <Thomas.wray@carkw.com>; Kenneth Fuentes <kenneth.fuentes@centerpointenergy.com>