

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE VACATING AND ABANDONING CERTAIN UNUSED EASEMENTS ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF EAST MCCAIN AND SMOKEY LANE 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 easements not required for municipal purposes; and

WHEREAS, Mr. Ed Snodgrass of Benchmark Design Group, LLC, 2026-B Republic Drive, Tyler, Texas 75701, has requested that certain unused easements located at the northeast corner of East McCain and Smokey Lane be vacated as they are no longer required due to a replat of the property, and would interfere with a proposed building (see letter from Benchmark Group, LLC. attached hereto as Exhibit A); and

WHEREAS, the herein described unused easements are not needed for municipal purposes (see letter from City Engineer attached hereto as Exhibit B) and the abandonment is supported by the North Little Rock Planning Department (see Exhibit C attached hereto); and

WHEREAS, there are no objections from utility companies to the vacation of the herein described easements (see approvals attached hereto, collectively, as Exhibit D).

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 certain unused easements on property located at the northeast corner of East McCain and Smokey Lane, more particularly described below.

Lots 1 and 2, Tom Salmon Subdivision of the City of North Little Rock, Pulaski County, Arkansas (See map and Benchmark Easement Exhibit attached, collectively, hereto as Exhibit E).

SECTION 2: That the abandonment of the easement will become effective upon removal by the North Little Rock Electric Department of its electrical facilities, with the cost of removal in the sum of Three Thousand Three Hundred Twenty-One & 60/100 Dollars (\$3,321.60) to be paid in advance by the applicant.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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: It is hereby found and determined that the City has no need for the referenced unused easements, 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 Joe A. Smith

SPONSOR:

ATTEST

Charlie Hight

Council Member Charlie Hight *by AF*

\_\_\_\_\_  
Diane Whitbey, City Clerk

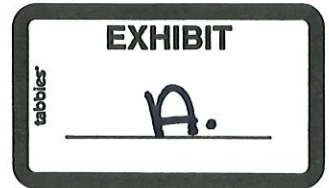
APPROVED AS TO FORM:

Amy Beckman Fields

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>10:45</u> A.M. _____ P.M.
By <u>City Atty Amy Fields</u>
DATE <u>4-2-19</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY <u>K. Thomas</u>



March 25, 2019

City of North Little Rock  
120 Main St.  
North Little Rock, Arkansas 72114

phone (501) 975-8835

**RE: Raising Cane's  
Easement Abandonment  
Benchmark Job No. 2018.037**

To whom it may concern:

Benchmark Design Group, LLC (Benchmark) is pleased to respond with the following for the above mentioned project.

**Our client would like to abandon an access easement and utility easement shown in the attached exhibit. These easements are no longer required after the replat of the property and would be in the way of our proposed building. We will be adding a new access easement to the property in a location that makes more sense with the new lot configuration.**

Benchmark appreciates this opportunity to be of service and welcomes any questions or comments.  
Respectfully submitted,

**BENCHMARK DESIGN GROUP, LLC**

*Ed Snodgrass*

Ed Snodgrass, PE  
President

*"Achieving Goals by Design"*

**Reavis, Timothy**

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**From:** DForstrom@nlr.ar.gov  
**Sent:** Wednesday, March 27, 2019 1:04 PM  
**To:** rdavis@benchmark-engineers.com  
**Cc:** Spencer, Shawn; Wilbourn, Chris; Klamm, Michael  
**Subject:** FW: RC 414  
**Attachments:** 2018.037 EASEMENT EXHIBIT 3-25-19.pdf

Ryan,

Engineering has no objection to abandoning the easements shown in the attached letter.

Sincerely,



David Forstrom, PE, CFM  
City Engineer

500 W. 13<sup>th</sup> Street  
N. Little Rock, AR 72114  
Office: 501-371-8338  
Cell: 501-351-8936  
Fax: 501-371-8348

**From:** Ryan Davis <rdavis@benchmark-engineers.com>  
**Sent:** Monday, March 25, 2019 3:44 PM  
**To:** Forstrom, David <DForstrom@nlr.ar.gov>  
**Subject:** RC 414

David,

I am in need of a letter from you stating you are ok with us abandoning the proposed easements shown in the letter attached. Is this something you can provide this by noon on Thursday the 27<sup>th</sup>? We are trying to meet the deadline in order to be on the city council meeting for April 8<sup>th</sup>.

Thanks,  
Ryan

Ryan Davis, PE  
Benchmark Design Group, LLC  
(903) 534-5353 Phone  
(903) 217-5995 Cell  
Reply to: [rdavis@benchmark-engineers.com](mailto:rdavis@benchmark-engineers.com)  
Visit us at: [www.benchmark-engineers.com](http://www.benchmark-engineers.com)





The City of  
**NORTH LITTLE ROCK**

OFFICE OF COMMUNITY PLANNING  
120 Main St. • North Little Rock, AR 72114-2134  
Phone (501) 975-8835 • Fax (501) 975-8837

March 27, 2019

Benchmark Design Group  
2026-B Republic Dr.  
Tyler, TX 75701

Re: Easement abandonment

The Planning Department has no problem abandoning the easements as shown in the attached exhibit for the proposed Raising Cane's location at the corner of E. McCain & Smokey Ln.

Respectfully,

Tim Reavis  
Assistant Planning Director



ELECTRIC DEPARTMENT



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

TO: Mr. Ed Snodgrass  
Benchmark Design Group

FROM: Greg Woodward  
Distribution Design Supervisor

DATE: March 26, 2019

SUBJECT: Abandon Easement –  
Lots 1 and 2, Tom Salmon Subdivision  
NE Corner of McCain & Smokey Lane  
Raising Cane's Restaurant

I have received a copy of a map regarding an access easement and utility easement requesting the easement abandonment and removal of electrical facilities at Lots 1 and 2, Tom Salmon Subdivision at the NE Corner of McCain and Smokey Lane for the purpose of building the Raising Cane's Restaurant.

The City of North Little Rock Electric Department agrees to abandon the easement and remove the electrical facilities as requested. The cost of removing the existing facilities will be \$3,321.60 which must be paid prior to removal.

Please let me know if there is anything the Electric Department can do to help with your project.

(501) 372-0100  
An Equal Opportunity Employer



**Reavis, Timothy**

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**From:** Jason Lowder <Jason.Lowder@carkw.com>  
**Sent:** Monday, March 25, 2019 3:58 PM  
**To:** Ryan Davis  
**Cc:** Jim Ferguson  
**Subject:** RE: RC 414 Raising Cane's

Central Arkansas Water approves with no comments.

Respectfully,

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



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**From:** Ryan Davis [mailto:rdavis@benchmark-engineers.com]  
**Sent:** Monday, March 25, 2019 3:53 PM  
**To:** Jonathan Long; Jason Lowder  
**Subject:** RC 414 Raising Cane's

Mr. Long and Mr. Lowder,  
I just called and left a voicemail with both of you to hopefully give a brief explanation for this email.  
I am in need of a letter from either one of you stating you are ok with us abandoning the proposed easements shown in the letter attached. Is this something you can provide by noon on Thursday the 27<sup>th</sup>? We are trying to meet the deadline in order to be on the city council meeting for April 8<sup>th</sup>.

Please feel free to call with any questions.

Thanks,  
Ryan

**Ryan Davis, PE**  
**Benchmark Design Group, LLC**  
(903) 534-5353 Phone  
(903) 217-5995 Cell  
Reply to: [rdavis@benchmark-engineers.com](mailto:rdavis@benchmark-engineers.com)  
Visit us at: [www.benchmark-engineers.com](http://www.benchmark-engineers.com)



Achieving goals *by Design*



NORTH LITTLE ROCK WASTEWATER UTILITY

March 26, 2019

Mr. Ed Snodgrass, P.E.  
Benchmark Design Group, LLC  
2026-B Republic Drive  
Tyler, TX 75701

RE: Raising Cane's  
Easement Abandonment  
Benchmark Job No. 2018.037

Dear Mr. Snodgrass:

North Little Rock Wastewater has no objection to the proposed easement abandonment as received March 25, 2019 via email.

If you have any questions regarding this matter, please do not hesitate to contact me by phone or email me at [skerby@nlrwu.com](mailto:skerby@nlrwu.com). Thank you for your assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Scott Kerby', is written over a light blue horizontal line.

Scott Kerby, E.I.



# Public Hearing Case # 2019-8

Public Hearing #2019-8  
4311 E. McCain Blvd.  
To abandon an access easement  
and a utility easement.



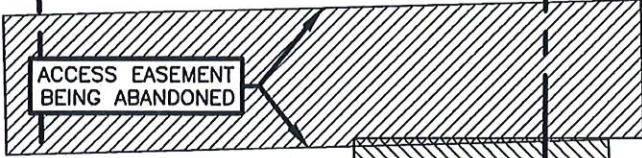
Ortho Map

1 inch = 50 feet




Date: 3/27/2019

SMOKEY LANE  
(RIGHT OF WAY VARIES)



EAST McCAIN BLVD.  
(RIGHT OF WAY VARIES)

### EASEMENT EXHIBIT



**BENCHMARK**  
**DESIGN GROUP**  
CIVIL / ENVIRONMENTAL / PLANNERS  
2026 REPUBLIC DRIVE SUITE B TYLER TEXAS 75701 - (936) 594-5353 - FIRM NUMBER F-7814 - WWW.BENCHMARK-ENGINEERS.COM

### RAISING CANE'S N. LITTLE ROCK

BDG JOB NO: 2018.037  
PROJ. MGR: RWD  
PROJ. TECH: RWD  
CHECKED BY: ELS

REVISIONS	DATE	BY