

R-19-149

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO ENTERGY ARKANSAS, LLC FOR ACCESS TO ENTERGY'S LEVY 2 SUBSTATION AND TO INSTALL UNDERGROUND FIBER; AND FOR OTHER PURPOSES.**

WHEREAS, Entergy Arkansas, LLC ("Entergy") operates a substation on Division Street on property leased from the City of North Little Rock ("City"); and

WHEREAS, the City has granted Entergy a right-of-way under Resolution No. 9579 in order for Entergy to install underground fiber to the substation; and

WHEREAS, Entergy is interested in obtaining an additional right-of-way easement from Division Street into the substation, and an underground easement on property which it already holds an easement (see map attached hereto as Exhibit A); and

WHEREAS, in order to allow Entergy to access the substation and install underground fiber, it is necessary for the City to give Entergy a right-of-way easement to said substation and an underground easement on nearby property.

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

SECTION 1: That in consideration of payment in the sum of \$1,000.00 by Entergy to the City, the Mayor and City Clerk are hereby authorized to execute a right-of-way instrument (substantially similar to Exhibit B attached hereto) from the City of North Little Rock to Entergy Arkansas, LLC to allow Entergy to access the Levy 2 substation and to install underground fiber.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

Mayor Joe A. Smith

SPONSOR:

ATTEST:

  
\_\_\_\_\_  
Mayor Joe A. Smith

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

APPROVED AS TO FORM:

*Amy Beckman Fields* <sup>124</sup>  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>11:39</u> A.M. _____ P.M.
By <u>Marie B Miller</u>
DATE <u>8/20/19</u>
<b>Diane Whitbey, City Clerk and Collector</b> <b>North Little Rock, Arkansas</b>
RECEIVED BY <u>B. Top</u>





Closure: n00.0000e 0.00 ft. (1/999999)

Perimeter=26400 ft.





COUNTY: Pulaski



**RIGHT-OF-WAY INSTRUMENT**  
**(CORPORATE)**

KNOW ALL MEN BY THESE PRESENTS :

That the City of North Little Rock, a Municipal Corporation organized under the laws of the State of Arkansas Grantor, by its Mayor and City Clerk, duly authorized by proper resolution of its City Council, for and in consideration of One Dollar, in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, assign, convey and warrant unto, and defend Entergy Arkansas, LLC., and its successors and assigns (collectively "Grantee"), a right-of-way, servitude and easement in various widths for the location, relocation, improvements, repair, construction, reconstruction, operation, inspection, patrol, replacement, removal and maintenance of one or more electric power lines, circuit or circuits and/or communication facilities, now or in the future, including, but not necessarily limited to, poles, towers, cross arms, insulators, wires, cables, conduits, hardware, transformers, switches, guy wires, anchors and other equipment, structures, material and appurtenances, now or hereafter used, useful or desired in connection therewith by Grantee (hereinafter "Grantee's facilities") over, across, under or on that land of Grantor in the County of Pulaski, State of Arkansas described as follows, to-wit:

(legal description)  
See Exhibit "A"

Grantor hereby grants to Grantee the rights of ingress and egress at any time, without notice, to, from, or along said right-of-way across the adjoining land of the Grantor, including, but not limited to, the passage of vehicles and equipment upon said right-of-way; the right to install, extend and maintain guy wires and anchors beyond the limits of said right-of-way; and the right of Grantee to assign, license, and otherwise permit others to use in whole or part any or all of the rights, easements, servitudes, privileges or appurtenances granted herein.

Grantee shall have the full and continuing right, without further compensation, to clear and keep clear vegetation within or growing into said right-of-way and the further right to remove or modify from time to time trees, limbs, and/or vegetation outside the said right of way which Grantee considers a hazard to any of Grantee's facilities or a hazard to the rendering of adequate and dependable service to Grantor or any of Grantee's customers, by use of a variety of methods used in the vegetation management industry. Payment for the first cutting of trees and other vegetation outside of the right-of-way is included in the initial consideration paid to Grantor. Grantee shall pay to Grantor, or Grantor's successor in title, the reasonable market value, as timber, of such trees when removed in the future outside of the said right-of-way.

Grantee shall pay Grantor for physical damages to Grantor's buildings or other structures located outside said right-of-way and to Grantor's growing annual crops, road, bridges and fences caused by the construction and maintenance of Grantee's facilities.

*This instrument was prepared by  
Entergy Arkansas, LLC.  
P. O. box 551  
Little Rock, Ar. 72203*



COUNTY: Pulaski

Grantor retains the right to use for Grantor's own purposes the land covered by the said right-of-way so long as such use does not interfere with Grantee's use of said right-of-way and other rights herein granted.

Grantor shall not construct or permit the construction of any structure, obstruction or other hazard within the said right-of-way, including but not limited to, house, barn, garage, shed, pond, pool, water impoundment, excavation or well, excepting only Grantor's fence(s) and Grantee's facilities. Grantor shall not construct or permit the construction of any buildings or other structures on land adjoining said right-of-way in violation of the minimum clearances from the lines and facilities of Grantee, as provided in the National Electrical Safety Code.

IN WITNESS WHEREOF, I (we) set my (our) hand(s) and affix by its \_\_\_\_\_ and attested and its seal affixed by its \_\_\_\_\_, this Right-of-Way Instrument on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Title: Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

**ACKNOWLEDGMENT**

STATE OF ARKANSAS }  
  } SS  
COUNTY OF \_\_\_\_\_ }

On this day, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally well known, who acknowledged that they were the \_\_\_\_\_ and the \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation, and that they, as such officers, being authorized so to do, had executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

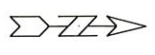
(SEAL)

# ACQUISITION MAP



Scale 1" = 80'

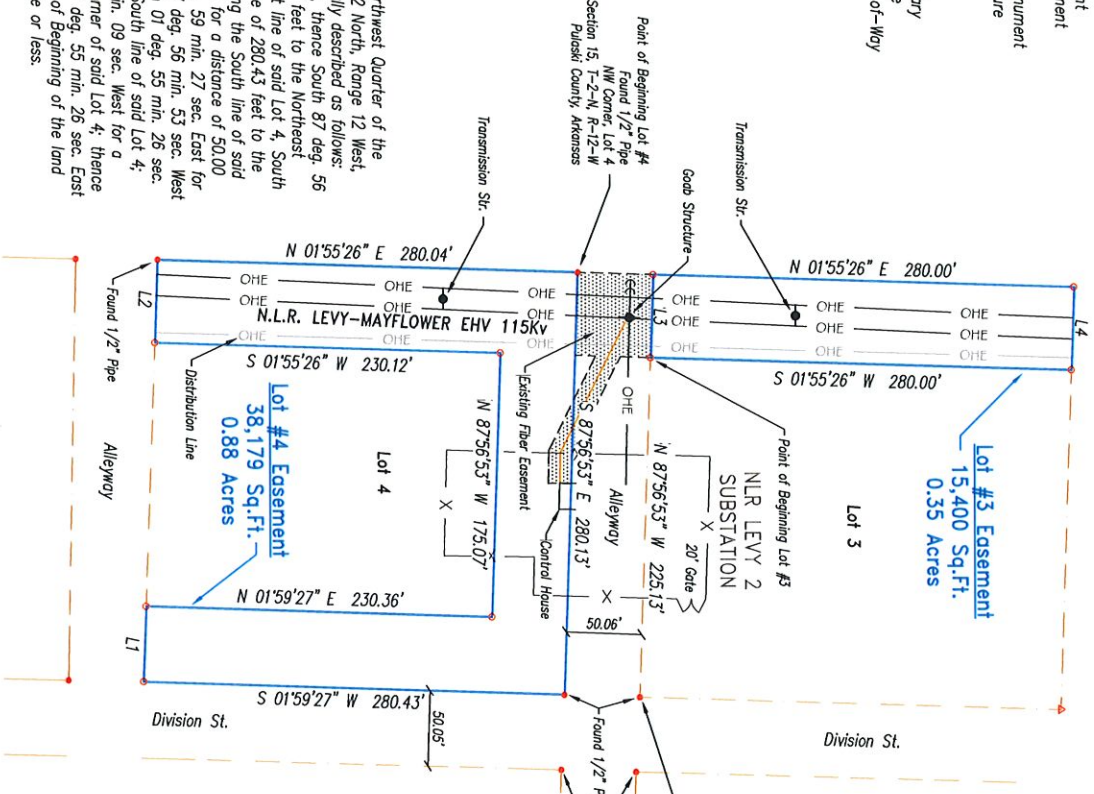
**EXHIBIT "A"**  
**PULASKI COUNTY, ARKANSAS**  
 Located in the  
**SW-4, Section 15, T-2-N, R-12-W**



## DRAWING LEGEND

- Set Corner Monument
- Found Corner Monument
- △ Computed Position
- ⊙ Quarter-Quarter Monument
- ⊕ Transmission Structure
- Distribution Pole
- Guy
- Boundary (Subject)
- Parent Tract Boundary
- Overhead Power Line
- Transmission Right-of-Way
- X — Fence Line
- Lot Line
- - - Existing Easement

Line	Bearing	Distance
L1	N 87°52'09" W	50.00'
L2	N 87°52'09" W	55.00'
L3	N 87°56'53" W	55.00'
L4	S 87°56'53" E	55.00'



**Legal Description: Lot #4**  
 A part of Lot 4, of a Subdivision in the Northwest Quarter of the Southwest Quarter of Section 15, Township 2 North, Range 12 West, Pulaski County, Arkansas and being more fully described as follows: Beginning at the Northwest Corner of Lot 4, thence South 87 deg. 56 min. 53 sec. East for a distance of 280.13 feet to the Northeast Corner of said Lot 4; thence along the East line of said Lot 4, South 01 deg. 59 min. 27 sec. West for a distance of 280.43 feet to the Southeast Corner of said Lot 4; thence along the South line of said Lot 4, North 87 deg. 52 min. 09 sec. West for a distance of 50.00 feet; thence leaving said line, North 01 deg. 59 min. 27 sec. East for a distance of 230.36 feet; thence North 87 deg. 56 min. 53 sec. West for a distance of 175.07 feet; thence South 01 deg. 55 min. 26 sec. West for a distance of 230.12 feet to the South line of said Lot 4; thence along said line, North 87 deg. 52 min. 09 sec. West for a distance of 55.00 feet to the Southwest Corner of said Lot 4; thence along the West line of said Lot 4, North 01 deg. 55 min. 26 sec. East for a distance of 280.04 feet to the Point of Beginning of the land herein described containing 0.88 acres, more or less.

- NOTES:**
- 1) Property is subject to easements and restrictive covenants of record, if any, and one subject to any facts which may be disclosed by an accurate and current title search.
  - 2) I hereby certify that the above plot represents a survey made by me on this day, and all easements, encroachments, and
  - 3) This plot represents an easement as described and shown and is not intended to be a Boundary Survey.

**Legal Description: Lot #3**  
 A part of Lot 3, of a Subdivision in the Northwest Quarter of the Southwest Quarter of Section 15, Township 2 North, Range 12 West, Pulaski County, Arkansas and being more fully described as follows: Commencing at the Southeast Corner of Lot 3, thence North 87 deg. 56 min. 53 sec. West along the South line of said Lot 3 for a distance of 225.13 to the Point of Beginning of the land herein described; thence continuing along said line, North 87 deg. 56 min. 53 sec. West for a distance of 55.00 feet to the Southwest Corner of said Lot 3; thence along the West line of said Lot 3, North 01 deg. 55 min. 26 sec. East for a distance of 280.00 feet to the Northwest Corner of said Lot 3; thence along the North line of said Lot 3, South 87 deg. 56 min. 53 sec. East for a distance of 55.00 feet; thence leaving said line, South 01 deg. 55 min. 26 sec. West for a distance of 280.00 feet to the Point of Beginning of the land herein described containing 0.35 acres, more or less.

**DRAWING PERFORMED BY:**  
**DAV & ASSOCIATES LAND SURVEYING**  
 Vincent Dav, R.S. 1488  
 27 Melrose Valley Drive  
 Conway, AR 72032  
 C.O.E. (601) 472-9893  
 Fax: (601) 458-0600  
 E-Mail: pd1458@compuserve.net

**ENTERGY SERVICES, INC.**  
**NLR LEVY 2 SUBSTATION**  
**EASEMENTS**

APPROVED BY:	DATE:
CHECKED BY: VMD	8/15/19
DRAWN BY: BSM	SCALE: 1" = 80'
NO.	CEA NO.
ENTERGY	SH. 1 OF 1