

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

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT-OF-WAY INSTRUMENT TO ENTERGY ARKANSAS, INC., FOR PROPERTY ADJOINING ENTERGY'S WESTGATE SUBSTATION; AND FOR OTHER PURPOSES.**

WHEREAS, in 1973, the Urban Renewal Agency of the City of North Little Rock, Arkansas, predecessor in interest to the City of North Little Rock (the "City"), granted a Right-of-Way Permit to Entergy Arkansas, Inc. ("Entergy"), formerly known as Arkansas Power and Light Company for the location and maintenance of electric power lines and related facilities over, across, under or on the parcel of land adjacent to Entergy's Westgate Substation for which the Right-of-Way Permit was granted; and

WHEREAS, pursuant to negotiations between the City and Entergy, Entergy relocated its power lines to the Westgate Substation at the request of the City; and

WHEREAS, Entergy has agreed to execute a Right of Way Release and Disclaimer of the 1973 Right-of-Way Permit executed by the City's predecessor in interest, substantially similar to Exhibit A attached hereto; and

WHEREAS, Entergy has requested that the City execute a Right-of-Way Instrument, substantially similar to Exhibit B attached hereto, for Entergy to acquire right-of-way for the location and maintenance of the relocated electric power lines and related facilities; and

WHEREAS, Entergy has fulfilled its obligations pursuant to the negotiations between Entergy and the City by relocating their power lines to the Westgate Substation; and

WHEREAS, the relocation of the electric power lines and right-of-way, as shown on the map attached hereto as Exhibit C, will enhance development opportunities in the City by creating marketable property suitable for development; and

WHEREAS, the execution by the City of the Right-of-Way Instrument is in the best interest of the City and its residents

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

SECTION 1: That the Mayor and City Clerk are hereby authorized to execute a Right-of-Way Instrument, substantially similar to Exhibit B attached hereto, in favor of Entergy Arkansas, Inc., for the location and maintenance of electric power lines and related facilities.

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:

*Joe A. Smith*

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

*by AF*

ATTEST:

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

APPROVED AS TO FORM:

*Amy Beckman Fields*

\_\_\_\_\_  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED <u>11:30</u> A.M. _____ P.M.
By <u>A Fields</u>
DATE <u>3-20-18</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY <u>S. Ussery</u>



## RIGHT OF WAY RELEASE AND DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS:

That Entergy Arkansas, Inc., possesses certain easement rights as follows:

A right-of-way, servitude and easement, granted and conveyed by that certain Right of Way Permit, dated October 29<sup>th</sup>, 1973, filed for Record, Book 1273 Page 325 in Pulaski County, Arkansas, from The Urban Renewal Agency of the City of North Little Rock, Arkansas of Pulaski County, Arkansas, Grantor, to Entergy Arkansas Inc., formerly known as Arkansas Power and Light Company, Grantee, over, across, under or on the parcel of land of Grantor located in the County of Pulaski, State of Arkansas.

NOW, THEREFORE, in consideration for the use and benefits of the parties herein set forth, Entergy Arkansas, Inc. does hereby release the said aforementioned right of way, servitude and easement, and does hereby release, relinquish and abandon all of its rights to The Urban Renewal Agency of the City of North Little Rock, Arkansas of Pulaski County, Arkansas, its successor's and assigns. The released area is described as follows, to-wit:

(legal description)  
**See Exhibit "A"**

Attached hereto and made a part hereof, collectively, the "**Released Area**"

Notwithstanding the foregoing, nothing contained herein is intended to release, relinquish or abandon any other rights of way or servitudes of Entergy Arkansas, Inc. with regard to the remaining lands or portions of ground used or occupied by Entergy Arkansas, Inc. and such other rights of way or servitudes will remain in full force and effect. It is agreed and understood that this partial release and disclaimer does not affect any other rights of Entergy Arkansas, Inc., not specifically released and disclaimed herein.

Signature on Next Page

*This Document Prepared By:*  
Entergy Arkansas, Inc.  
5115 Thibault Rd.,  
Little Rock, AR 72206



ENTERGY ARKANSAS, INC.

By: \_\_\_\_\_

Drew A. Clem

Senior Grid Manger, Arkansas

**ACKNOWLEDGMENT**

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

On this day, before me personally appeared Drew A. Clem, to me personally well known, who acknowledged that he was the Sr. Grid Manager of Entergy Arkansas Inc. a Arkansas corporation, and that he, as such Sr. Grid Manager, being authorized to do so, had executed the foregoing instrument for the purposes therein contained, by signing the name of Entergy Arkansas, Inc., as Sr. Grid Manager.

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

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

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

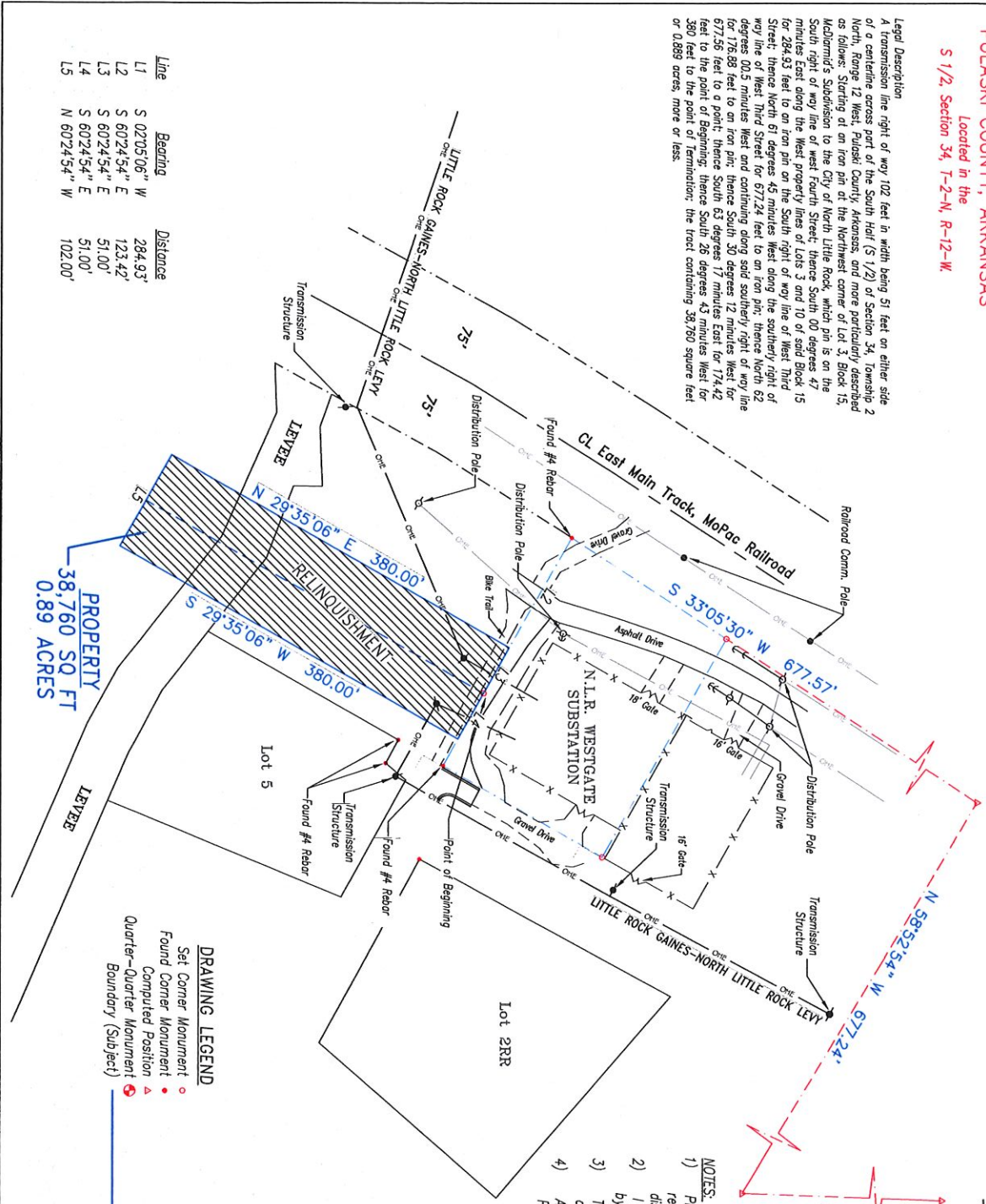
(SEAL)

**EXHIBIT "A"**  
**PULASKI COUNTY, ARKANSAS**

Located in the  
 S 1/2, Section 34, T-2-N, R-12-W.

**RELINQUISHMENT MAP**

**Legal Description**  
 A transmission line right of way 102 feet in width being 51 feet on either side of a centerline across part of the South Half (S 1/2) of Section 34, Township 2 North, Range 12 West, Pulaski County, Arkansas, and more particularly described as follows: Starting at an iron pin at the Northwest corner of Lot 3, Block 15, McDonald's Subdivision to the City of North Little Rock, which pin is on the South right of way line of west Fourth Street, thence South 00 degrees 47 minutes East along the West property lines of Lots 3 and 10 of said Block 15 for 284.93 feet to an iron pin on the South right of way line of West Third Street, thence North 61 degrees 45 minutes West along said southerly right of way line for 176.88 feet to an iron pin, thence South 30 degrees 12 minutes West for 677.56 feet to a point, thence South 63 degrees 17 minutes East for 174.42 feet to the point of Beginning, thence South 28 degrees 45 minutes West for 390 feet to the point of termination, the tract containing 38,760 square feet or 0.889 acres, more or less.



Line	Bearing	Distance
L1	S 02°05'06" W	284.93'
L2	S 60°24'54" E	123.42'
L3	S 60°24'54" E	51.00'
L4	S 60°24'54" E	51.00'
L5	N 60°24'54" W	102.00'

**PROPERTY**  
 38,760 SQ FT  
 0.89 ACRES

- DRAWING LEGEND**
- Set Corner Monument
  - Found Corner Monument
  - ▲ Computed Position
  - △ Quarter-Quarter Monument
  - Boundary (Subject)

- NOTES:**
- 1) Property is subject to easements and restrictive covenants of record, if any, and are subject to any facts which may be disclosed by an accurate and current title search.
  - 2) I hereby certify that the above plat represents a survey made by me on this day, and all easements, encroachments, and
  - 3) This plat represents an easement as described and shown and is not intended to be a Boundary Survey.
  - 4) All Bearings and Elevations are based on Arkansas State Plane North Zone, NAD83, and NAV88 Ground.



**SURVEY PERFORMED BY:**  
**DAY & ASSOCIATES LAND SURVEYING**  
 Vincent Day, PLS 1488  
 Chris Day, PLS 1489  
 Orlin (801) 472-3830  
 Email: pls1488@dayassociates.com

ENTERGY SERVICES, INC.

**WESTGATE EASEMENT**  
 Transmission Right-of-Way Relinquishment

APPROVED BY:	DATE:	2/20/18
CHECKED BY:	SCALE:	1" = 100'
DRAWN BY:	BSM	CEA ND.
NO.	SH.	1 OF 1

ENTERGY  
 PLDT

COUNTY: Pulaski



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

KNOW ALL MEN BY THESE PRESENTS :

That the City of North Little Rock, a Corporation organized under the laws of the State of Arkansas Grantor, by its President and Secretary, duly authorized by proper resolution of its Board of Directors, 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, Inc., 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, Inc.  
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: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

(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)

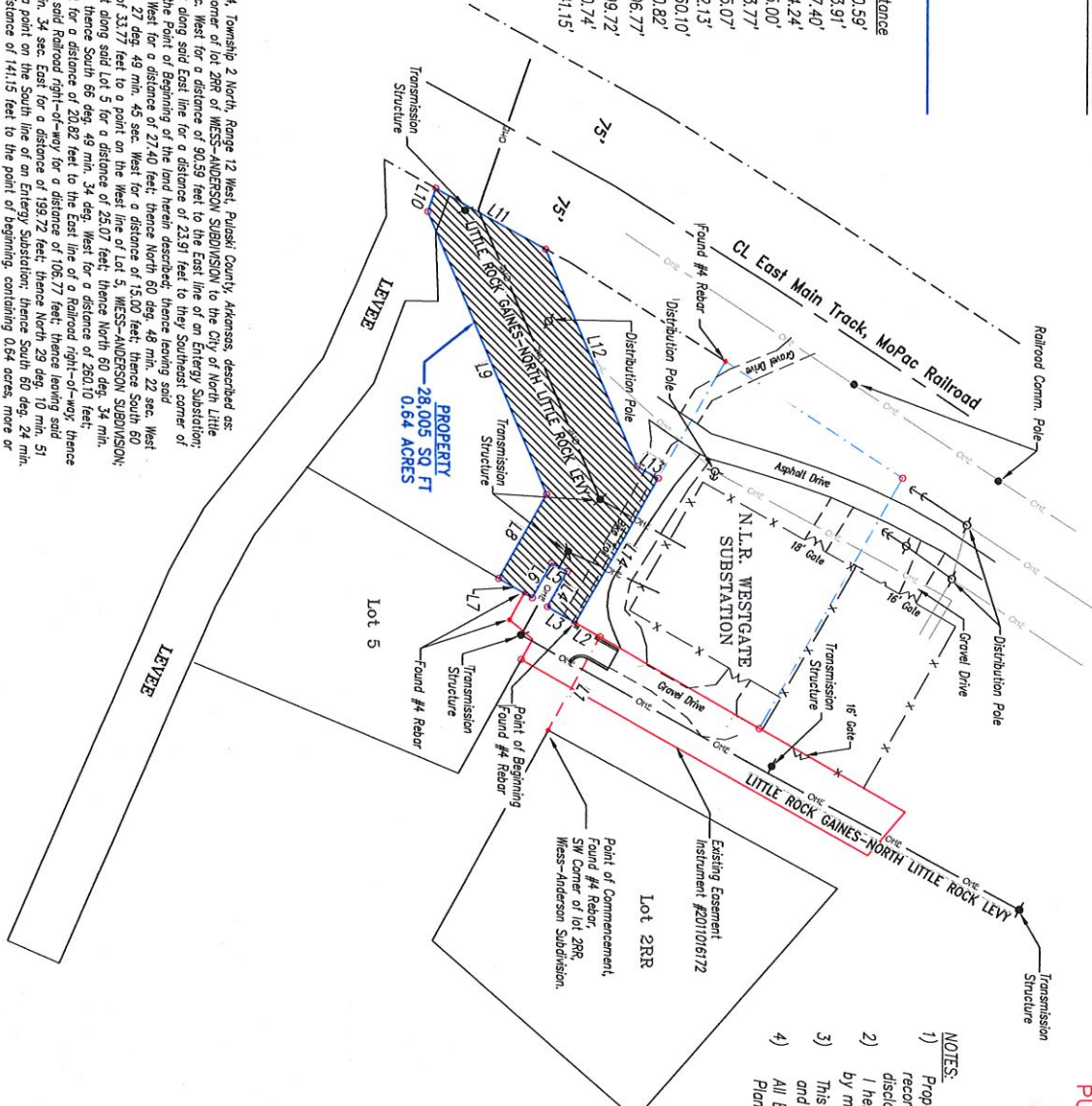
# ACQUISITION MAP

## DRAWING LEGEND

- Set Corner Monument ●
- Found Corner Monument ●
- Computed Position ●
- Quarter-Quarter Monument ▲
- Boundary (Subject) —

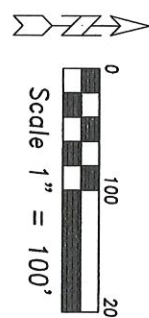
Line	Bearing	Distance
L1	N 61°16'34" W	90.59'
L2	S 29°36'18" W	23.91'
L3	S 29°36'18" W	27.40'
L4	N 60°48'22" W	34.24'
L5	S 27°49'45" W	15.00'
L6	S 60°48'22" E	33.77'
L7	S 29°36'04" E	25.07'
L8	N 60°34'20" W	82.13'
L9	S 66°49'34" W	260.10'
L10	N 71°4'30" W	20.82'
L11	N 28°35'06" E	106.77'
L12	N 66°49'34" E	199.72'
L13	N 29°10'51" E	20.74'
L14	S 60°24'52" E	141.15'

**Lead Description**  
 A tract of land in South 1/2 of Section 34, Township 2 North, Range 12 West, Pulaski County, Arkansas, described as:  
 Commencing at a found rebar of the SW corner of lot 28R of WESS-ANDERSON SUBDIVISION to the City of Norton Little Rock, thence North 61 deg. 16 min. 34 sec. West for a distance of 90.59 feet to the East line of an Entergy Substation, thence South 29 deg. 36 min. 18 sec. West along said East line for a distance of 23.91 feet to the Southeast corner of said Substation, said point also being the Point of Beginning of the herein described, thence bearing said Substation South 29 deg. 36 min. 18 sec. West for a distance of 27.40 feet, thence North 60 deg. 48 min. 22 sec. West for a distance of 34.24 feet; thence South 27 deg. 49 min. 45 sec. West for a distance of 15.00 feet to a point on the West line of Lot 5, WESS-ANDERSON SUBDIVISION, thence South 29 deg. 36 min. 04 sec. East along said Lot 5 for a distance of 13.00 feet, thence South 60 deg. 48 min. 22 sec. West for a distance of 33.77 feet to a point on the West line of Lot 5, WESS-ANDERSON SUBDIVISION, thence North 66 deg. 49 min. 34 sec. East along said Lot 5 for a distance of 199.72 feet, thence bearing said North 29 deg. 10 min. 51 sec. East for a distance of 20.74 feet to the East line of an Entergy Substation, thence North 29 deg. 10 min. 51 sec. East for a distance of 20.74 feet to a point on the South line of an Entergy Substation, thence South 60 deg. 24 min. 52 sec. East along said South line for a distance of 141.15 feet to the point of beginning, containing 0.64 acres, more or less.



- NOTES:**
- 1) Property is subject to easements and restrictive covenants of record, if any, and are subject to any facts which may be disclosed by an accurate and current title search.
  - 2) I hereby certify that the above plat represents a survey made by me on this day, and all easements, encroachments, and is not intended to be a Boundary Survey.
  - 3) This plat represents an easement as described and shown All Bearing and Elevations are based on Arkansas State Plane North Zone, NAD83, and NAV88 Ground.
  - 4)

**EXHIBIT "A"**  
**PULASKI COUNTY, ARKANSAS**  
 Located in the  
**S 1/2, Section 34, T-2-N, R-12-W**



**SURVEY PERFORMED BY:**  
**DAY & ASSOCIATES LAND SURVEYING**  
 Vincent Day, P.L.S. 1466  
 Office: (501) 472-9390  
 Email: vday@dayassociates.com

**ENERGY SERVICES, INC.**

**WESTGATE EASEMENT**  
 Transmission Right-of-Way Easement

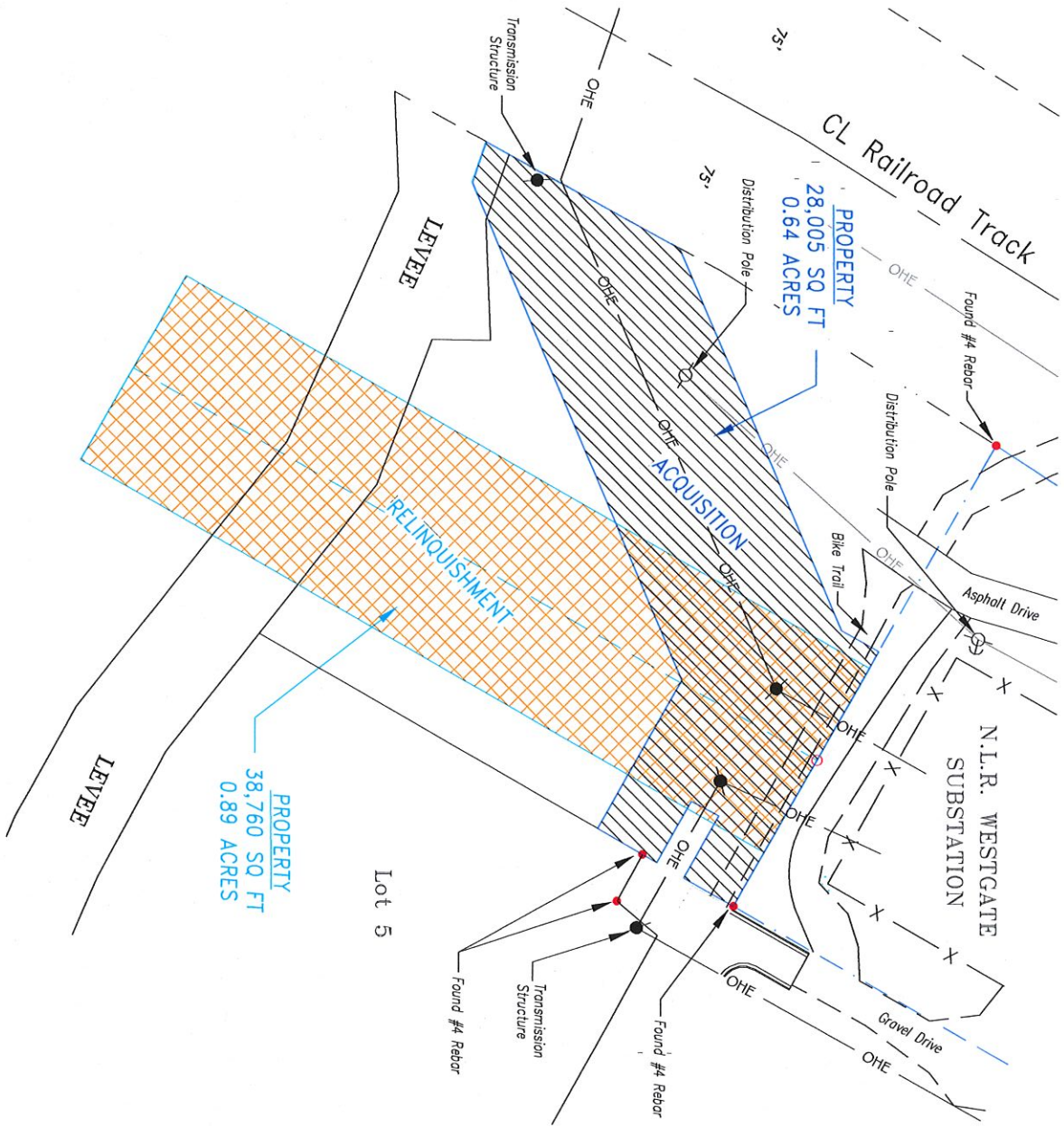
APPROVED BY: **WMD** DATE: 1/22/18  
 CHECKED BY: **BSM** SCALE: 1" = 100'  
 DRAWN BY: **CEA MDJ**

**Entergy**

NO.	SH. 1 OF 1
PLAT	



# DETAIL MAP



**EXHIBIT "A"**  
**PULASKI COUNTY, ARKANSAS**  
 Located in the  
 S 1/2, Section 34, T-2-N, R-12-W.



ALL BEARINGS AND COORDINATES ARE BASED ON  
 ARKANSAS STATE PLANE NORTH ZONE, NAD83



- DRAWING LEGEND**
- Set Corner Monument
  - Found Corner Monument
  - ▲ Computed Position
  - △ Quarter-Quarter Monument
  - Boundary (Subject)

ENERGY SERVICES, INC.	
<b>WESTGATE EASEMENT</b>	
Transmission Right-of-Way Detail of Relinquishment and Acquisition	
APPROVED BY:	DATE: 2/26/18
CHECKED BY: WMD	SCALE: 1" = 25'
DRAWN BY: BSM	CEA NO.
NO.	PLT
	SH. 1 OF 1

