

RESOLUTION NO. R-15-24

A RESOLUTION AUTHORIZING PARTIAL ABANDONMENT OF WATER TRANSMISSION LINE EASEMENT UPON DELIVERY TO THE CITY OF FORT SMITH OF A WATER TRANSMISSION LINE EASEMENT FROM ARKANSAS COLLEGES OF HEALTH EDUCATION AND AN ENCROACHMENT AGREEMENT FROM ARKANSAS OKLAHOMA GAS CORPORATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: There is hereby authorized the partial abandonment Tract D of the Water Transmission Line Easement recorded as Sebastian County Document 2011F-17917, said easement abandonment area being described on Exhibit 1 attached hereto and illustrated on Exhibit 2 attached hereto. The partial abandonment of Tract D of said Water Transmission Line Easement is subject to and conditioned on delivery to the City of Fort Smith of the Water Transmission Line Easement described in Section 2 of this Resolution and the Encroachment Agreement described in Section 3 of this Resolution. Except as to the described partial abandonment of the Water Transmission Line Easement, the Water Transmission Line Easement (Sebastian County Document 2011F-17917) shall remain in full force and effect.

SECTION 2: The City of Fort Smith hereby accepts the grant from Arkansas Colleges of Health Education of a Water Transmission Line Easement, substantially in the form of the Water Transmission Line Easement (Sebastian County Document 2011F-17917) referred to in Section 1 of this Resolution, over, under, and upon the real property described in Exhibit 3 to this Resolution as illustrated in Exhibit 4 to this Resolution.

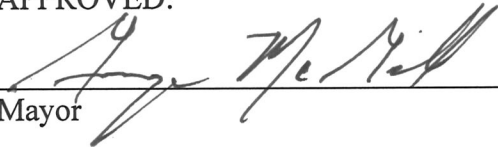
SECTION 3: The execution by the Mayor, his signature being attested by the City

Clerk, of the Encroachment Agreement attached as Exhibit 5 to this Resolution is hereby authorized.

SECTION 4: The City Administrator and his designated agents are hereby authorized to take any and all necessary actions to complete the partial abandonment of Water Transmission Line Easement authorized by Section 1 in exchange for, and upon deliver of, the Water Transmission Line Easement accepted by Section 2 of this Resolution and delivery of the executed Encroachment Agreement authorized by Section 3 of this Resolution.

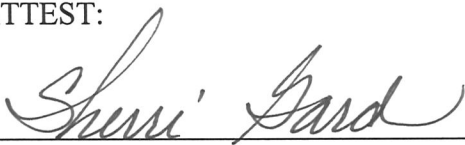
This Resolution adopted this 18th day of January, 2024.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:

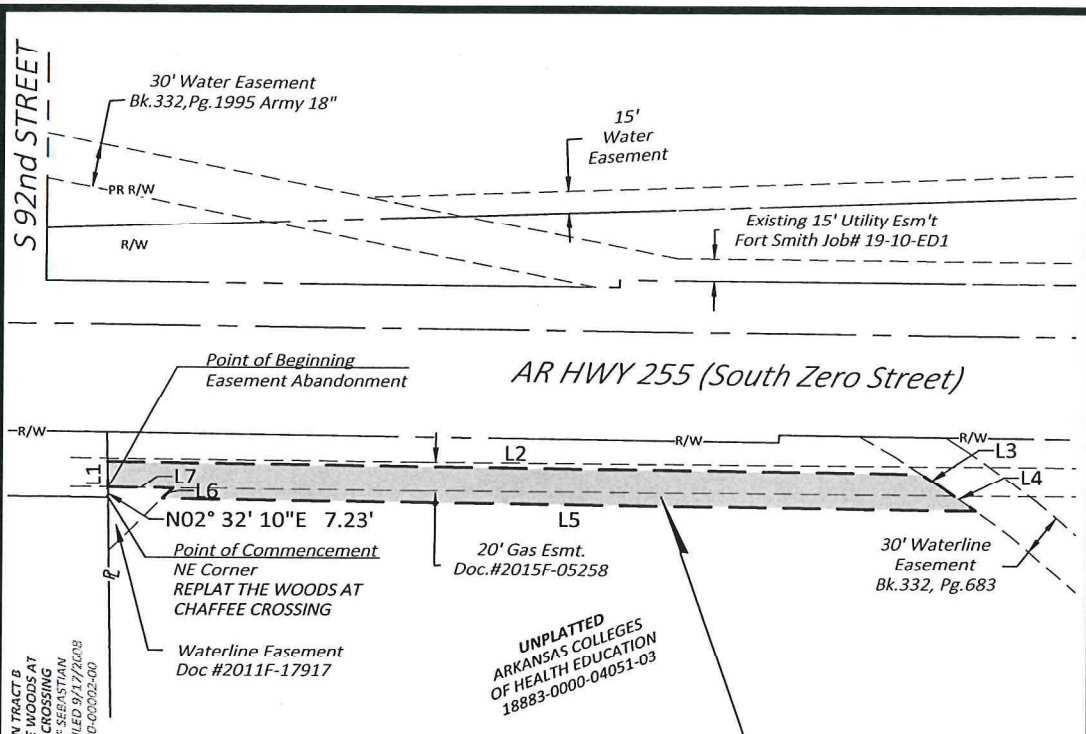


City Attorney NPR

EASEMENT ABANDONMENT

Commencing at the Northeast Corner of Common Tract B of the Replat of The Woods at Chaffee Crossing, Fort Smith, Sebastian County, Arkansas; Thence North $02^{\circ}32'10''$ East, a distance of 7.23 feet along the East line of said Replat to the Point of Beginning; thence along said East line North $02^{\circ}32'10''$ East, a distance of 17.79 feet; thence leaving said East line; being Parallel and 20' distant from the southerly right of way of Arkansas Highway 255 (Zero Street) South $85^{\circ}46'27''$ East, a distance of 559.66 feet to the West line of an existing 30 foot waterline easement (Book 332 Page 683); thence along said West line South $53^{\circ}01'41''$ East a distance of 17.20 feet; thence continuing along said West line South $51^{\circ}07'39''$ East, a distance of 27.61 feet; thence leaving said West line North $85^{\circ}46'27''$ West, a distance of 558.73 feet; thence North $49^{\circ}41'17''$ East, a distance of 10.53 feet; thence North $85^{\circ}59'00''$ West, a distance of 45.09 feet to the Point of Beginning, containing 14,154 Sq Ft, 0.32 acres, more or less.

Exhibit 1



COMMON TRACT B
REPLAT THE WOODS AT
CHAFFEE CROSSING
COUNTY OF SEBASTIAN
PLAT 18883-0000-04051-03
REC'D 03/28/2023 LEO 39172628
18883-0000-04051-03

LINE TABLE		
Line #	Bearing	Distance
L1	N02° 32' 10"E	7.23'
L2	S85° 46' 27"E	559.66'
L3	S53° 01' 41"E	17.20'
L4	S51° 07' 39"E	27.61'
L5	N85° 46' 27"W	558.73'
L6	N49° 41' 17"E	10.53'
L7	N85° 59' 00"W	45.09'

**PROPOSED ABANDONMENT
VARIABLE WIDTH
WATERLINE EASEMENT
14,154± SF/ 0.32± AC**

EASEMENT ABANDONMENT

Commencing at the Northeast Corner of Common Tract B of the Replat of The Woods at Chaffee Crossing, Fort Smith, Sebastian County, Arkansas; Thence North 02°32'10" East, a distance of 7.23 feet along the East line of said Replat to the Point of Beginning; thence along said East line North 02°32'10" East, a distance of 17.79 feet; thence leaving said East line; being Parallel and 20' distant from the southerly right of way of Arkansas Highway 255 (Zero Street) South 85°46'27" East, a distance of 559.66 feet to the West line of an existing 30 foot waterline easement (Book 332 Page 683); thence along said West line South 53°01'41" East a distance of 17.20 feet; thence continuing along said West line South 51°07'39" East, a distance of 27.61 feet; thence leaving said West line North 85°46'27" West, a distance of 558.73 feet; thence North 49°41'17" East, a distance of 10.53 feet; thence North 85°59'00" West, a distance of 45.09 feet to the Point of Beginning, containing 14,154 Sq Ft, 0.32 acres, more or less.



Coordinates are Based on the City of Fort Smith GIS Control Monuments

NOT A SURVEY OR PLAT

halff

HALFF ASSOCIATES, INC.
C.O.A. #107 - EXPI. DATE 08.30.2023
5704 EUPLER LN. STE. 200 - FORT SMITH, AR 72503
479.452.1933 - HALFF.COM

Not a Survey or a Plat
EXHIBIT "A"
EASEMENT EXHIBIT

**ARKANSAS COLLEGES
OF HEALTH EDUCATION**
Parcel # 18883-0000-04051-03

Fort Smith, Arkansas
Sheet 1 of 1

	Abandoned Water Line Esmt.	±14,154 SF ±0.32 Ac
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Exhibit 2

Drawing Name: A:\540003\544751001\ProjectResources\CADD\054475 EXHIBIT EASMT.dwg, last Modified: Dec 14, 2023 - 8:29am Plotted on: Dec 14, 2023 - 8:53am by ah5177

Unplatted Lot - Parcel: 18883-0000-04051-03

For the Purpose of creating a Varying Width Permanent Waterline Easement on and across a certain tract of land described in a Special Warranty Deed, filed for record in Book 2019, Page 13705, dated July 1, 2019 with the Sebastian County Clerk. Said Tract being a part of the Northwest Quarter of Section 5, in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

COMMENCING at the North East Corner of the Replat The Woods at Chaffee Crossing Subdivision; thence North 02°32'10" East a distance of 27.23 feet to a point on the North line of an Existing Gas Easement, being the Point of BEGINNING; thence continuing North 02°32'10" East a distance of 17.79 feet to a point on the Southern Right of Way of Hwy 255; thence along said Southern Right of Way South 85°46'25" East a distance of 460.95 feet; thence continuing along said Right of Way North 04°13'35" East, a distance of 5.00 feet; thence continuing along said Right of Way South 85°46'25" East, a distance of 55.51 feet to a point on the West line of an Existing Waterline easement; thence leaving the said South Right of Way, along said Waterline Easement South 58°12'18" East, a distance of 29.55 feet; thence continuing along said Waterline Easement Line South 53°01'41" East, a distance of 11.62 feet to a point on the North line of an Existing Gas Easement; thence leaving said Waterline Easement and along said North Line North 86°07'10" West, a distance of 336.85 feet; thence North 85°59'00" West, a distance of 215.06 feet to the Point of BEGINNING.

The above described easement containing 9,239 Sq Ft, 0.2 Acres, more or less.

S 92nd STREET

30' Water Easement
Bk. 332, Pg. 1995 Army 18"

15' Water Easement

Existing 15' Utility Esm't
Fort Smith Job# 19-10-ED1

UNPLATTED
FORT SMITH PUBLIC SCHOOLS
of SEBASTIAN COUNTY
PLAT 552
1328L-0000-00000-00

AR HWY 255 (South Zero Street)

PROPOSED
WATERLINE
EASEMENT

22'

27'

7'

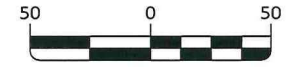
COUNTY OF SEBASTIAN
Bk. 2010F, Pg. 17577
1888F-0000-02070-00

20' Gas Esmt.
Doc.#2015F-05258

UNPLATTED
ARKANSAS COLLEGES
OF HEALTH EDUCATION
18883-0000-04051-03

30' Waterline Easement
Bk. 332, Pg. 683

COMMON TRACT B
REPLANT THE WOODS AT
CHAFFEE CROSSING
COUNTY OF SEBASTIAN
PLAT 1303B, FILED 9/17/2008
1882D-0000-00002-00



Scale in Feet



5704 EUPER LINE, SUITE 200 • FORT SMITH, AR 72903 • 479.452.1933 • HALFF.COM

Exhibit 4

ENCROACHMENT AGREEMENT

This agreement ("Agreement") is made and entered into on _____ by and between **City of Fort Smith, Arkansas** (the "City") and **Arkansas Oklahoma Gas Corp.** ("AOG").

WHEREAS, pursuant to that certain easement Right-of-Way Agreement #8350 by and between Fort Chaffee Redevelopment Authority ("Grantor") and AOG as recorded in Sebastian County under # 2015F-05258 on April 20, 2015 ("Easement"), AOG has rights of way at the following location:

An existing twenty foot (20') permanent Arkansas Oklahoma Gas (AOG) easement across part of the Fractional North Half (FRL N1/2) of Section 5, Township 7 North, Range 31 West, Sebastian County, Arkansas, easement lines extend or shorten to property lines, said easement being ten feet (10') each side of an existing AOG natural gas pipeline as constructed, the centerline line of said easement being more particularly described as follows:

Commencing at the Northeast lot corner of Common Tract B, Replat The Woods at Chaffee Crossing, subdivision to the City of Fort Smith, Sebastian County, Arkansas, filed for record September, 17th, 2008; thence N 02°31'57" E, approximately 18.00' along the property line of said subdivision to a point on said existing AOG natural gas pipeline, said point being the Point of Beginning; thence in an Easterly direction, approximately 5202.00' along said existing pipeline extending across Wells Lake Road, Frontier Road, Veteran Avenue and Chad Colley Boulevard to the East line of said Section 5, said point being the Point of Terminus, having a total distance of 5202.00' (315.27 rods), more or less, with right of ingress and egress to and from the same.

WHEREAS, the City desires to encroach on AOG's Easement with a 20' surface encroachment over the entirety of AOG's Easement, as illustrated in **Exhibit A** attached hereto;

WHEREAS, the City has or will acquire from the Grantor (or Grantor's successor in interest) City's own easement therefore;

WHEREAS, AOG is agreeable to the City's requested surface use only of its AOG's Easement, provided the City agrees to maintain 10' minimum clearance between AOG's gas lines and the City's water lines;

WHEREAS, both parties are committed to cooperating with each other during installation and maintenance of their respective facilities;

WHEREAS, the City will reimburse AOG for damages to the AOG's facilities (if any) that occur during installation or maintenance of the City's water lines;

WHEREAS, AOG does not assume any liability or responsibility for the City's water lines or appurtenances; and

WHEREAS, these Recitals are hereby incorporated herein.

Arkansas Oklahoma Gas Corporation

By: Allen H. Sorshire

Title: Manager of Engineering

Date: 1/10/24

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

On this day of JANUARY 10, 2024, before me, the undersigned notary public, personally appeared ALLEN H. SORSHIRE, known to me to be the person whose name is subscribed or authorized by the entity in the foregoing Encroachment Agreement, and acknowledged that they executed the same as their free act and deed and for the purposes therein contained.

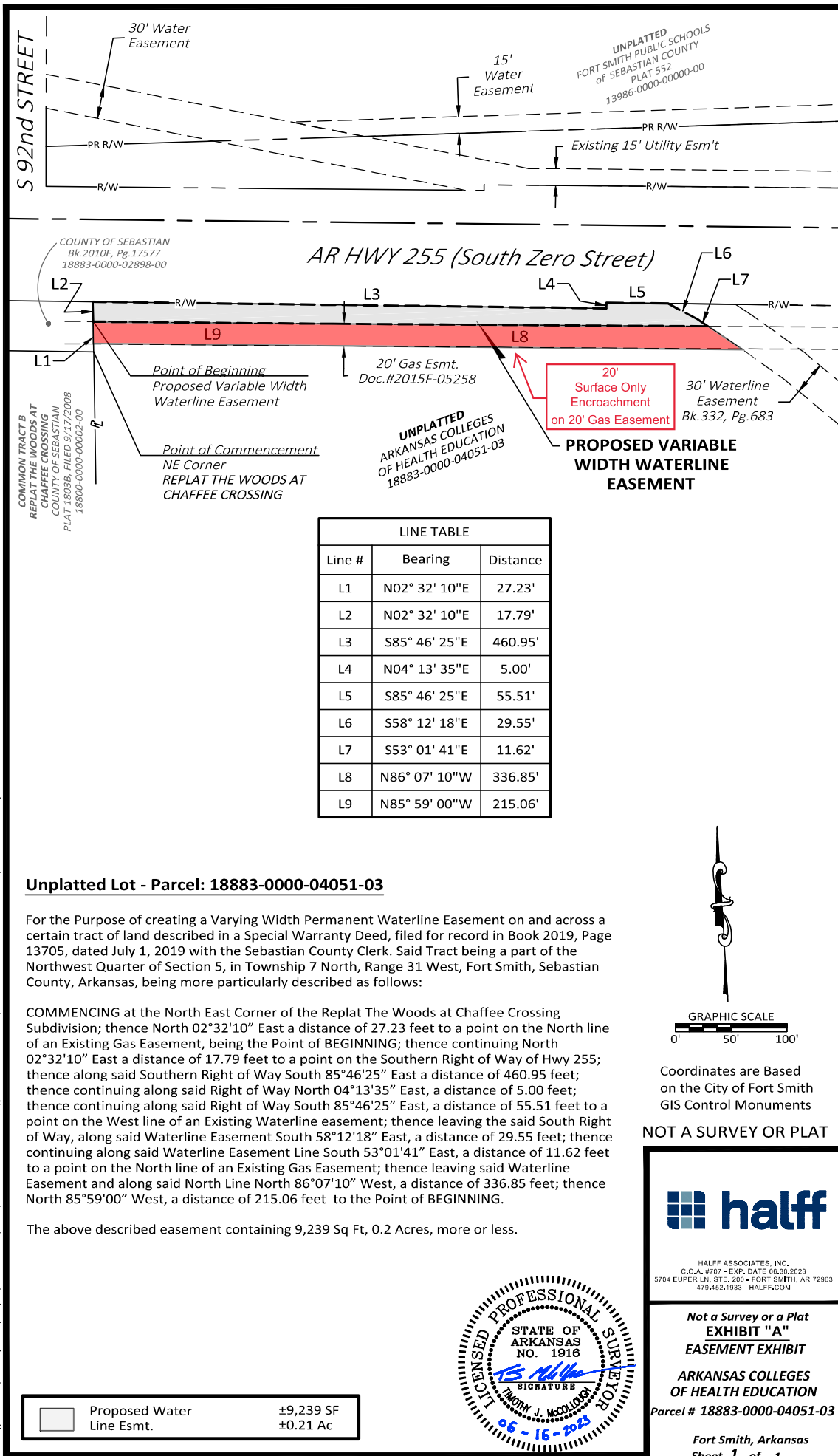
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires:

10/31/2032

KYLE ROSSETTI
NOTARY PUBLIC
SEBASTIAN COUNTY, ARKANSAS
COMM. EXP. 10/31/32
COMMISSION NO. 12721308



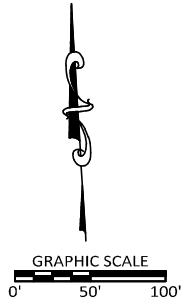
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L7	S53° 01' 41"E	11.62'
L8	N86° 07' 10"W	336.85'
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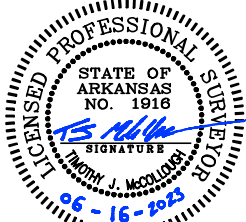


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HALFF ASSOCIATES, INC.
 C.O.A. #707 - EXP. DATE 06.30.2023
 5704 EUPEL LN, STE. 200 • FORT SMITH, AR 72903
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Not a Survey or a Plat
EXHIBIT "A"
EASEMENT EXHIBIT
 ARKANSAS COLLEGES
 OF HEALTH EDUCATION
 Parcel # 18883-0000-04051-03



	Proposed Water Line Esmt.	±9,239 SF ±0.21 Ac
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Drawing Name: A:\540000\54475\001\ProjectResources\CA\DD\054475\EXHIBIT_ESMT.dwg Last Modified: Jun 16, 2023 - 11:52am Plotted on: Jun 16, 2023 - 11:54am by ah5153