AGENDA

FORT SMITH PORT AUTHORITY

SPECIAL MEETING Monday, December 9, 2013 Port of Fort Smith 200 Navy Road Fort Smith, Arkansas

TIME: 12:00 noon

- 1. Call to order Larry Combs, Chair
- 2. Roll Call
- 3. Consider a Resolution granting permanent and temporary easements across Port Authority property to the City of Fort Smith
- 4. Update from Port Operator regarding rail improvements & other projects
- 5. Next meeting: January 23, 2014
- 6. Adjourn

A RESOLUTION OF THE FORT SMITH PORT AUTHORITY GRANTING PERMANENT AND TEMPORARY EASEMENTS AT 200 NAVY ROAD TO THE CITY OF FORT SMITH

WHEREAS, the Fort Smith Port Authority owns property at 200 Navy Road, Fort Smith, Arkansas, and such property contains the Port of Fort Smith; and

WHEREAS, the City of Fort Smith is planning to build a 115 foot diameter, 3.5 million gallon flow equalization (EQ) tank on property adjacent to the 200 Navy Road property, in conjunction with planned improvements to the Mill Creek Wastewater Pump Station as part of the city's overall strategy to address wet weather sanitary sewer overflows that occur throughout the system during periods of heavy rainfall; and

WHEREAS, in order to accommodate the EQ tank project, the City of Fort Smith requires a sanitary sewer easement from the Port Authority which will allow the city to remove an existing 10-inch sewer line to a point along the east property line of the port property and replace it with a new 12-inch sewer line; and

WHEREAS, in order to accommodate the EQ tank project, the City of Fort Smith requires a temporary construction easement which will allow the city to relocate the existing sewer and water service lines serving the port property.

NOW, THEREFORE, BE IT RESOLVED by the Fort Smith Port Authority that the Chair is authorized to execute and grant a permanent Sanitary Sewer Easement to the City of Fort Smith for the removal and relocation of a sanitary sewer line; and

BE IT FURTHER RESOLVED by the Fort Smith Port Authority that the Chair is authorized to execute and grant a Temporary Construction Easement to the City of Fort Smith for the relocation of water and sewer service connections serving the port property.

This Resolution adopted this 9th day of December, 2013.

	APPROVED:	
-	Larry Combs, Chair	
	EST:	ATTEST:
	EST:	ATTEST:

INTER-OFFICE MEMO

TO: Jeff Dingman, Deputy City Administrator

DATE: November 5, 2013

FROM: Larry Guthrie, Property Manager/Utility Administration

SUBJECT:

Mill Creek Wastewater Pump Station

Wet Weather Improvements Project No. 10-01-E1

Easement Acquisitions-Port Authority of the City of Fort Smith

As we briefly discussed, the City of Fort Smith is planning to construct a 115 foot diameter, 3.5 million gallon flow equalization (EQ) tank in conjunction with planned improvements to the Mill Creek Wastewater Pump Station. This project is a part of the city's overall strategy to address wet weather sanitary sewer overflows that occur throughout the system during periods of heavy rainfall.

The Mill Creek Wastewater Pump Station Improvements will require the acquisition of a sanitary sewer easement from the Port Authority. I have attached 6 construction drawings that show the project's sewer and water improvements.

For you review and consideration, I have attached a copy of a proposed sanitary sewer easement which will allow the city to relocate the existing 10 inch sewer line to a point along the east property line of the Port with a new 12 inch sewer line.

The temporary construction easement attached will allow the city to relocate the existing sewer and water service lines.

If satisfactory, please present these easements to the Port for their consideration and execution. The city is asking the Port to donated the needed easements since the project will not further burden the property with additional pipe lines.

You indicated that the next board meeting of the Port would not be until the third week in January, but that a special meeting might be possible in order to consider the easements so the project could go forward. The city needs to acquire the easements as soon as possible so the scheduling and advertising for bids can begin in December. Please try to arrange a special meeting of the Board to consider the city request for these easements.

If you have any questions or desire additional information, please let me know.

attachment

pc: Steve Parke Jack Dillon

Mill Creek Pump Station Project No. 10-01-E1 Tract No. 4

Date: October 14, 2013

SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Port Authority of the City of Fort Smith, GRANTOR(S), for and in consideration of the sum of \$1.00 and other good and valuable consideration, to them in hand paid by the CITY OF FORT SMITH, ARKANSAS, a municipal corporation, hereinafter called GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey, unto the said GRANTEE, and its successors and assigns a permanent easement for the construction, operation and maintenance of a sanitary sewer, together with all appurtenances thereto, both above ground and underground, over, across, under and upon the following described lands lying in the City of Fort Smith, Sebastian County, Arkansas, towit:

Part of Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of the SE/4, NW/4 of said Fractional Section 20; thence North along the east line of said SE/4, NW/4, 68.37' to the Point of Beginning; thence S11°13'02"E 192.32'; thence S18°21'54"W 39.22'; thence N71°38'06"W 30.00'; thence N18°21'54"E 31.30'; thence N11°13'02"W 364.27'; thence N21°43'33"E 174.02' to said east line of the SE/4, NW/4; thence North along said east line of the SE/4, NW/4, 109.38' to the SW corner of Lot 2, Tankersley Addition (filed for record December 11, 1985) to the City of Fort Smith; thence S67°06'00"E along the southwesterly line of said Lot 2, 85.51'; thence S21°43'33"W 288.16'; thence S11°13'02"E 143.41' to the Point of Beginning, containing 26,265 square feet or 0.60 acre more or less.

With right of ingress and egress to and from the same.

See Exhibit "A" attached hereto and hereby made a part of this instrument,

TO HAVE AND TO HOLD said easement unto said GRANTEE and its successors and assigns forever.

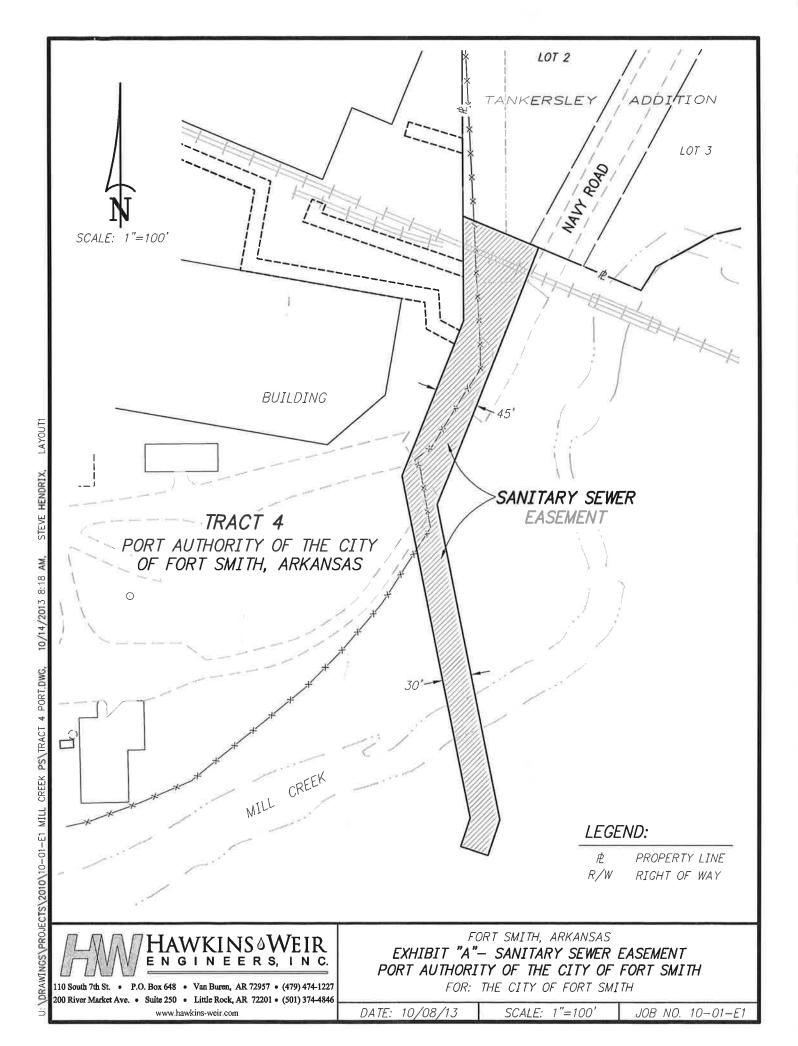
GRANTOR(S) and their heirs, successors and assigns, shall have the right to use the surface of the property above described, PROVIDED, that they shall not interfere with the use thereof by the GRANTEE and its successors and assigns, further GRANTOR(S) and their heirs, successors and assigns will not erect a building or structure within this easement, and shall provide means of access, acceptable to GRANTEE and its successors and assigns, to and within said easement, if fenced.

The consideration paid by the GRANTEE is received and accepted by the GRANTOR(S) in full satisfaction of every right hereby conveyed.

	RANTOR(S) herein have h	ereunto caused these presents , 2013.	to be
	GRANTOR(S):		

ACKNOWLEDGMENT

STATE OF ARKANSAS))SS	
COUNTY OF SEBASTIAN)	
whose name(s) is(are) subscribed to th for the purposes therein contained.	, 2013, before me, the undersigned notary public , known to me or satisfactorily proven to be the person(s le within instrument and acknowledged the execution of the same we hereunto set my hand and official seal.
	Notary Public
	•
My Commission Expires:	



Project Name: Mill Creek Pump Station

Project #: 10-01-E1

Tract #: 4

Date: October 14, 2013

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Port Authority of the City of Fort Smith (GRANTORS), their heirs, successors, and assigns, GRANTOR, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its successors, and assigns, GRANTEE:

A temporary construction easement for construction purposes, together with the right to excavate, fill, grade and level the surface area, and to remove bushes, undergrowth and other obstructions interfering with the construction of a water and sewer service lines, together with the rights of ingress and egress to and from the same upon the following described lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

Water Service:

Part of the SE/4, NW/4 of Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said SE/4, NW/4 of Fractional Section 20; thence North along the east line of said SE/4, NW/4, 446.50' to the Point of Beginning; thence N70°49'16"W 177.14'; thence N22°45'15"E 25.48'; thence S67°09'37"E 15.00'; thence S22°45'15"W 9.49'; thence S70°49'16"E 155.96' to said east line of the SE/4, NW/4; thence South along said east line of the NW/4, 15.88' to the Point of Beginning, containing 2,761 square feet or 0.06 acre more or less.

Also, part of the SE/4, NW/4 of Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said SE/4, NW/4 of Fractional Section 20; thence North along the east line of said SE/4, NW/4, 400.62'; thence S21°43'33"W 11.11' to the Point of Beginning; thence continuing S21°43'33"W 15.10'; thence N61°44'59"W 33.10'; thence N03°02'45"W 27.81'; thence N79°54'48"W 195.17'; thence N10°05'12"E 85.28'; thence N67°14'45"W 88.64'; thence N22°45'15"E 15.00'; thence S67°14'45"E 100.64'; thence S10°05'12"W 82.29'; thence S67°14'48"E 192.07'; thence S03°02'45"E 31.28'; thence S61°44'59"E 22.95' to the Point of Beginning, containing 6,444 square feet or 0.15 acre more or less.

Sewer Service:

Part if the SE/4, NW/4 of Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said SE/4, NW/4 of Fractional Section 20; thence North along the east line of said SE/4, NW/4, 575.67' to the Point of Beginning; thence N72°55'17"W 62.76'; thence N17°04'43"W 15.00'; thence S72°55'17"E 58.16' to said east line of the SE/4, NW/4; thence South along said east line of the SE/4, NW/4, 15.69' to the Point of Beginning, containing 907 square feet or 0.02 acre more or less.

Containing a total of 10,112 square feet or 0.23 acre more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

Said temporary construction easement shall expire 240 days from the date of the commencement of the work on the above described lands, and/or upon completion and acceptance by GRANTEE of the construction work.

GRANTOR shall have the right to use the surface of the property encumbered by the aforementioned temporary easement, as long as GRANTOR wishes, PROVIDED, that GRANTOR shall not interfere with the use thereof by GRANTEE, and further, GRANTOR shall not situate any temporary or portable buildings, or other structures, within said temporary easement, and further, GRANTOR shall

provide gates acceptable to GRANTEE if said easement is fenced. Further, GRANTOR shall not deposit soil, rock, debris, or other natural or man-made materials, and shall not remove soil or rock within the easement herein described, except with written approval of GRANTEE.

After completion of construction, Grantees shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEE is received and accepted by GRANTOR in full satisfaction of every right hereby conveyed.

GRANTOR does hereby covenant with GRANTEE that GRANTOR is lawfully seized and possessed of the real estate above described and that GRANTOR has a good and lawful right to convey the same or any part thereof.

It is hereby understood that pof GRANTEE is without authorit		
not herein expressed. WITNESS our hands and seals on	this day of	2013.

ACKNOWLEDGMENT

STATE OF ARKANSAS)) SS	
County of)	
and for the County the within named to persons whose names instrument, and sta the same for the co	of	, 2013, before me, a ned, qualified and acting, within , Arkansas, appeared in person ally well known or proven to be the on the within and foregoing knowledged that they had executed n, uses and purposes therein I do hereby so certify.
IN TESTIMONY W official seal this	HEREOF, I l	nave hereunto set my hand and of, 2013.
		Notary Public
My Commission Expir	es:	

