



Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Agenda - Monday, April 19, 2021 - 6:00 PM

Call to Order

Roll Call

Invocation and Pledge of Allegiance given by Director Jeff Hart

CONSENT

1. Approval of the minutes of the called meeting April 1, 2021, and the regular meeting April 5, 2021. (CCD)
2. Adopt a resolution authorizing the City Manager to enter into a contract for the Millwood Water Treatment Plant Cleaning of Sludge Ponds Project (TWU) Executive Director JD Phillips
3. Adopt a Resolution for the purchase of emergency backup generators at four fire stations. (TAFD) Fire Chief David Fletcher

REGULAR

4. Consider the following action regarding a request to vacate the right-of-way in the undeveloped section of George Avenue:
Conduct a Public Hearing for comments concerning this request.
Adopt an Ordinance to vacate the right-of-way in the undeveloped section of George Avenue (Moses) (PWD Planning) City Planner Mary Beck
5. Consider the following action regarding a request to vacate the right-of-way in the undeveloped section of Marietta Street:
Conduct a Public Hearing for comments concerning this request.
Adopt an Ordinance to vacate the right-of-way in the undeveloped section of Marietta Street (Walter Street Church of Christ) (PWD Planning) City Planner Mary Beck
6. Adopt an Ordinance to waive competitive bidding and authorize the Interim City Manager to enter into a lease and incur setup, configuration, installation and training costs of case management software for the Miller County District Court, Texarkana Division. (ARC) Judge Thomas Potter

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

CITIZEN COMMUNICATION

A limit of five (5) minutes per person is allotted for citizens to express their concerns to the Board of Directors, with a maximum of fifty (50) minutes reserved for Citizens Communication. The Board of Directors cannot respond to citizens' concerns during this time.

Be respectful of the Board of Directors, city staff, and the public by refraining from abusive conduct, personal charges, or verbal attacks.

NEXT MEETING DATE: Monday, May 3, 2021

ADJOURN



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Approval of the minutes of the called meeting April 1, 2021, and the regular meeting April 5, 2021. (CCD)
AGENDA DATE:	April 19, 2021
ITEM TYPE:	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
DEPARTMENT:	City Clerk Department
PREPARED BY:	Heather Soyars, City Clerk
REQUEST:	Approval of meeting minutes.
EMERGENCY CLAUSE:	N/A
SUMMARY:	Approval of meeting minutes
EXPENSE REQUIRED:	N/A
AMOUNT BUDGETED:	N/A
APPROPRIATION REQUIRED:	N/a
RECOMMENDED ACTION:	The City Clerk recommends Board approval.
EXHIBITS:	Meeting minutes.



Called Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Minutes - Thursday, April 01, 2021 - 6:00 PM

Mayor Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Assistant Mayor Ward 3 Director Steven Hollibush, Ward 4 Director Ulysses Brewer, Ward 5 Director Barbara Miner and Ward 6 Director Jeff Hart.

ALSO, PRESENT: City Manager Dr. Kenny Haskin and City Clerk Heather Soyars.

ABSENT: City Attorney George Matteson and Deputy City Clerk Jenny Narens.

The Invocation and Pledge of Allegiance was given by Mayor Brown.

EXECUTIVE SESSION I

The Board entered Executive Session at 6:03 PM. Executive Sessions are permitted for the discussion of personnel.

The Board reconvened at 7:05 PM.

Director Roberts made the motion to accept City Manager Dr. Kenny Haskin's resignation, Seconded by Director Harris.

Voting Yea: Director Roberts, Director Harris, Assistant Mayor Hollibush, and Director Hart.

Voting Nay: Mayor Brown, Director Brewer and Director Miner.

The motion carried 4-3 to accept City Manager Dr. Kenny Haskin's resignation.

EXECUTIVE SESSION II

Director Harris made the motion to have another Executive Session, Seconded by Director Roberts.

The Board entered Executive Session II at 7:07 PM.

The Board reconvened at 7:09 PM.

Director Harris made the motion to appoint David Haak as Interim City Manager, Seconded by Director Hart.

Voting Yea: Director Roberts, Director Harris, Assistant Mayor Hollibush, and Director Hart.

Voting Nay: Mayor Brown, Director Brewer and Director Miner.

The motion carried 4-3 to appoint David Haak as Interim City Manager.

NEXT MEETING DATE: Monday, April 5, 2021

ADJOURN

Motion to adjourn made by Director Hart, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Brewer, Director Miner, and Director Hart.

The meeting adjourned at 7:11 PM.

APPROVED this the 19th day of April 2021.

Allen L. Brown, Mayor

Heather Soyars, City Clerk



Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Minutes - Monday, April 05, 2021 - 6:00 PM

Mayor Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Ward 4 Director Ulysses Brewer, Ward 5 Director Barbara Miner and Ward 6 Director Jeff Hart.

ALSO, PRESENT: Interim City Manager David Haak, City Attorney George Matteson, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

ABSENT: Assistant Mayor Ward 3 Steven Hollibush.

The Invocation and Pledge of Allegiance was given by Director Barbara Miner.

PRESENTATION

Texarkana Water Utilities (TWU) billing update given by Executive Director JD Phillips.

Executive Director JD Phillips spoke briefly about the billing stating the billing cycle was now caught up. There were many ways to pay the bills including online back draft, kiosk, in-person and soon by telephone. He suggested to email TWU for any billing questions you may have.

Director Hart asked about the City's cyber security and backups.

Interim IT Director Brandon Uselton said significant improvements had been made. Separation of the City of Texarkana, Arkansas, the City of Texarkana, Texas, and Bowie County was ongoing. The backup infrastructure was up and re-tooled. The cloud backup was cost prohibitive.

Director Brewer asked about the accountability during the snowstorm.

Executive Director JD Phillips said billing was caught up. He said TWU crews shut off over 1,200 meters during the snowstorm due to leaks.

Director Harris asked why the billing due date changed.

Executive Director JD Phillips said the cycle would be back to normal with the normal due date.

ADDENDUM

Mayor Brown said he spoke with the Arkansas Municipal League (AML) about the April 1, 2021, Called Board of Directors' Meeting and several items needed to be done as soon as possible. He asked the Board to move to add these items to tonight's agenda.

The items were:

- A. The severance terms of City Manager Dr. Kenny Haskin's resignation were unclear and needed to be voted on by the Board.
- B. The City Clerk was instructed to gather necessary information from the Interim City Manager and contact the AML for bonding purposes.
- C. Pursuant to Arkansas Code Annotated § 14-47-119. Employment of the city manager states the Board of Directors employs the city manager and Mayor Brown would like a motion for the Personnel Administrator to contact AML to start the soliciting process.

The motion to add these items to the agenda was made by Director Brewer, Seconded by Director Miner.

Director Harris asked when the Mayor found about the above listed items and why add them to the agenda tonight.

Mayor Brown said he found out today after speaking with the AML and these items needed to be taken care of because of risk liability.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and Mayor Brown declared the above items added to tonight's agenda.

- A. Director Brewer made the motion to accept City Manager Dr. Kenny Haskin's resignation with eight months' severance pay, Seconded by Director Hart.

Director Harris said the Board could not revisit this matter within 180 days.

Mayor Brown said this was an amended motion to accept Dr. Haskin's resignation including eight months' severance pay.

Director Harris amended the motion to accept City Manager Dr. Kenny Haskin's resignation with eight months' severance to be paid in installments and not a lump sum, per the City Manager's contract.

Mayor Brown asked if anyone would like to comment on this item.

David Peavy, 105 Olive Street, said he and other citizens were confused and asked the Board for an explanation of what happened.

Mayor Brown said the Board would not give an explanation. This happened in Executive Session and was between the City and a City Employee and it was not to be discussed.

No one else came forward.

Voting Yea: Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

Voting Nay: Mayor Brown.

The motion carried 5-1 and Mayor Brown declared the Board's acceptance of Dr. Haskin's resignation to include eight months' severance to be paid in installments.

- B. Director Hart made the motion to instruct the City Clerk to gather necessary information from the Interim City Manager and contact the AML for bonding purposes, Seconded by Director Harris.

Mayor Brown Asked if anyone would like to comment on this item.

Linda Teeters, 229 Summit Drive, asked if this Board would continue to make decisions which effect the City and its employees and not contact the AML first. She asked if the Board should have contacted the AML before City Manager Dr. Kenny Haskin rendered his resignation. She asked if the Board learned from this and to cross their t's and dot their i's before taking such drastic measures and make sure the City was covered financially.

Mayor Brown said this item would be decided by the AML if there were any conflict of interest or if there were any reason David Haak could not serve as Interim City Manager.

No one else came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and Mayor Brown asked the City Clerk to contact the AML regarding bonding of the Interim City Manager.

- C. Director Hart made the motion for the Personnel Administrator to contact AML to start the soliciting process for a city manager, Seconded by Director Miner.

Mayor Brown asked if anyone would like to comment on this item.

David Peavy asked for a brief review of how the Board selected the Interim City Manager and if there were more than one person discussed for the position.

Mayor Brown said that was voted on in Executive Session with an affirmative vote and he could not tell Mr. Peavy if there were more than one person discussed.

No one else came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Personnel Administrator would contact the AML and start the soliciting process.

CONSENT

Director Roberts made the motion to adopt the Consent agenda, Seconded by Director Brewer. The motion carried and the following items were approved:

1. Approval of the minutes of the regular meeting March 15, 2021. (CCD)
2. Resolution No. 2021-16 set the date for a public hearing to be held on April 19, 2021, concerning a request for a right-of-way abandonment for the undeveloped section on George Avenue. (PWD-Planning)
3. Resolution No. 2021-17 set the date for a public hearing to be held on April 19, 2021, concerning a request for a right-of-way abandonment for the undeveloped section on Marietta Street. (PWD-Planning)
4. Resolution No. 2021-18 authorized the Interim City Manager to enter into a contract for the Millwood Water Treatment Plant Valve Replacement Project (TWU)
5. Resolution No. 2021-19 authorized the purchase of a new fire pumper apparatus. (TAFD)
6. Resolution No. 2021-20 approved the 2021 Bi-State Justice Building (Bi-State) Budget and amended the General Fund Budget to include contribution to the Bi-State Fund. (FIN)

REGULAR

7. Ordinance No. 7-2021 rezoned 3211 Preston Street from M-2 general manufacturing zone to R-4 medium density residential zone to develop dwellings. (PWD-Planning)

City Planner Mary Beck gave a brief summary about the location and proposed rezoning stating this tract of land was formerly used as a shop to produce some type of product. It was zoned M-2 General manufacturing in the 1988 long term plan for that reason. The property was completely surrounded by residential zoning and the area had a surge of development of well-maintained multi-family dwellings during the past decade.

Director Miner asked if the R-4 medium density residential zone allowed duplexes.

City Planner Mary Beck said yes, and it also allowed multi-dwelling.

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Brewer, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Brewer, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Hart, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Roberts, Seconded by Director Miner.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

8. Ordinance No. 8-2021 rezoned 1619 Lincoln Street from C-1 general retail commercial zone to R-4 medium density residential zone to develop dwellings. (PWD-Planning)

City Planner Mary Beck said this was a previous barber shop and no business had operated at this location for many years. The applicant wished to rezone the property to a more appropriate zone to develop dwellings.

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Harris, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Harris, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Harris, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Roberts, Seconded by Director Brewer.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

9. Ordinance No. 9-2021 amended the City of Texarkana, Arkansas Public Employee Retirement System (TAPERS) plan document. (FIN)

Finance Director TyRhonda Henderson said the amendments to the plan document were:

Article II. Eligibility and Participation, 2.01 Eligibility Requirements (p. 2-1)

Article VI. Form of Benefits, 6.04 Required Distributions (p. 6-2)

Article I. Definitions, 1.10 Effective Date (p. 1-4), and restate effective date (p. 1-1)

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Brewer, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Roberts, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Miner, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Miner, Seconded by Director Roberts.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

Director Harris made the motion to approve the emergency clause, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the emergency clause approved.

CITIZEN COMMUNICATION

David Peavy, 105 Olive Street, wanted to know what evidence the City had to ask for Dr. Kenny Haskin's resignation. He also wanted to know the process the Board took to appoint Mr. Haak as Interim City Manager.

Sandy Varner said from what happened last week she felt the City took a giant step backwards and erased the great strides the City and Directors had taken in the last five years.

Terri Peavy said how was the City going to be able to appoint a quality City Manager in the future when decisions had not been open and transparent.

Linda Teeters said she did not believe the city employees received the letter regarding the new city policies and why would the citizens see city employee policy changes before the actual employees. She said the City had done so many great things in the last years and she would hate to see that erased due to revenge seeking people.

John Warmack said we had an election and the citizens spoke, we have a path moving forward and he thinks it was a positive thing.

Dwayne Hall emailed a statement (attached) which Mayor Brown read.

Tracey Prather emailed a statement (attached) which Mayor Brown read.

NEXT MEETING DATE: Monday, April 15, 2021

ADJOURN

Motion to adjourn made by Director Miner, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Director Brewer, Director Miner, and Director Hart.

The meeting adjourned at 6:58 PM.

APPROVED this the 19th day of April 2021.

Allen L. Brown, Mayor

Heather Soyars, City Clerk



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt a resolution authorizing the City Manager to enter into a contract for the Millwood Water Treatment Plant Cleaning of Sludge Ponds Project (TWU) Executive Director JD Phillips

AGENDA DATE: April 19, 2021

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Texarkana Water Utilities

PREPARED BY: J.D. Phillips, P.E., Executive Director

REQUEST: Resolution authorizing the City Manager to enter into a contract for the Millwood Water Treatment Plant Cleaning of Sludge Ponds Project.

EMERGENCY CLAUSE: None needed.

SUMMARY: Resolution authorizing the City Manager to enter into a contract for the Millwood Water Treatment Plant Cleaning of Sludge Ponds Project in an amount not to exceed \$267,197.00 with the Arkansas portion \$98,488.81. Bids were received Tuesday, March 30, 2021 for the Millwood Water Treatment Cleaning of the Sludge Ponds Project. Four (4) contractors picked up bid packages for the project and three (3) contractors bid on the project. The low bid received from HydroAg Environmental was not accepted as they are not currently licensed. Denali Water Solutions of Russellville, Arkansas was the apparent low bidder with a low Additive Alternate Bid of \$267,197.00. This project consists of cleaning four (4) of the alum/lime sludge ponds at the Millwood WTP located in Ashdown, Arkansas. This project is budgeted in the Utility's 2020-2021 Budget in the Millwood Water Treatment Plant Depreciation Fund at \$175,000, which was for cleaning only two of the sludge ponds. Due to the unforeseen postponement of another project funds became available in this fund and two additional ponds were added to this project.

EXPENSE REQUIRED: \$267,197.00

AMOUNT BUDGETED: \$267,197.00

**APPROPRIATION
REQUIRED:** \$98,488.81

**RECOMMENDED
ACTION:**

Utility staff recommends approval.

EXHIBITS:

ATTH 01 Bid Summary

ATTH 02 Bid Tabulation

RESOLUTION NO. _____

WHEREAS, upon advertisement, a low bid in the amount of \$267,197.00, was submitted to Texarkana Water Utilities (TWU) by Denali Water Solutions, for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project; and

WHEREAS, the Arkansas portion of such expense is \$98,488.81; and

WHEREAS, funds for such purpose are budgeted and available; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Texarkana, Arkansas, that the Interim City Manager is hereby authorized to enter into a contract with Denali Water Solutions, for the work and in the amounts described above, provided that the Arkansas portion of such amount being \$98,488.81.

PASSED AND APPROVED this 19th day of April, 2021.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George Matteson, City Attorney

Bid Summary

Millwood Water Treatment Plant
Cleaning of the Sludge Ponds

2:00 P.M. Tuesday, March 30, 2021

	<u>Base Bid</u>	<u>Alternate Bid</u>
1. Haren Construction Co. Shreveport, Louisiana	No Bid	No Bid
2. JB Tanker Plainview, Arkansas	\$ 272,500.00	\$ 325,500.00
3. Denali Water Solutions Russellville, Arkansas	\$ 207,797.00	\$ 267,197.00
4. HydroAg Environmental Russellville, Arkansas	\$ 151,900.00	\$ 194,500.00

Time First Bid Opened: 2:00 P.M

Number of Bidders: 1

Apparent Low Bidder: Denali Water Solutions

Note: HydroAg Environmental bid was rejected due to not being licensed in the State of Arkansas as required.

Bid Tabulation
MILLWOOD WTP
CLEANING OF THE SLUDGE PONDS
Project No. 61/62-000/135112-A/T132011
March 30, 2021

ATTH 02

BASE BID:								
			HydroAg Environmental, LLC		Denali Water Solutions		J & B Tanker, Inc.	
			Russellville, AR		Russellville, AR		Plainview, AR	
Item	Quantity	Description	Unit Price	Total Bid	Unit Price	Total Bid	Unit Price	Total Bid
1	1	Remove & Dispose of Sludge From Ponds #1, #2, & #3	\$151,900.00	\$151,900.00	\$207,797.00	\$207,797.00	\$272,500.00	\$272,500.00
TOTAL BASE BID				\$151,900.00		\$207,797.00		\$272,500.00
ADDITIVE ALTERNATE BID "A"								
1	1	Add Pond #4	\$42,600.00	\$42,600.00	\$59,400.00	\$59,400.00	\$53,000.00	\$53,000.00
TOTAL ADDITIVE ALTERNATE BID "A"				\$42,600.00		\$59,400.00		\$53,000.00
TOTAL BASE BID AND ADDITIVE ALTERNATE BID "A"				\$194,500.00		\$267,197.00		\$325,500.00
HydroAg Environmental's bid is rejected due to not being licensed in the State of Arkansas at the time of the bid opening.								

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt a Resolution for the purchase of emergency backup generators at four fire stations. (TAFD) Fire Chief David Fletcher

AGENDA DATE: April 19, 2021

ITEM TYPE: Ordinance Resolution Other :

DEPARTMENT: Texarkana Arkansas Fire Department _____

PREPARED BY: Chief David Fletcher

REQUEST: Board approval to accept the proposal from TMR Generators to provide and install emergency backup generators at four fire stations.

EMERGENCY CLAUSE: N/A

SUMMARY: TAFD will be replacing existing generators that have reached the end of their service life. After submitting proposal requests, TAFD received three bids to replace the generators at four fire stations. TMR Generators submitted the lowest cost proposal that met all the requirements. The existing generators at each station are all more than sixteen years old, undersized for the application, and are having reliability issues.

EXPENSE REQUIRED: \$71,507.00

AMOUNT BUDGETED: \$71,507.00

APPROPRIATION REQUIRED: TAPD 2021 Budget Line Item (101-131-50501-54001) \$71,507.00

RECOMMENDED ACTION: The City Manager and Staff recommend approval.

EXHIBITS: Resolution and proposals

RESOLUTION NO. _____

WHEREAS, upon advertisement, a low bid in the amount of \$71,507.00, was submitted by TMR Generators for replacement of emergency backup generators at four fire stations; and

WHEREAS, replacement of existing generators is necessary due to the age and functionality of the same; and

WHEREAS, funds are budgeted and available; and

WHEREAS, the Interim City Manager, Fire Chief and staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, that the Interim City Manager is authorized to execute a contract to purchase four generators as described above and upon the terms so indicated.

PASSED AND APPROVED this the 19th day of April, 2021.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George Matteson, City Attorney

H&K ELECTRIC, INC.

106 SLATON DR

NASH TX 75569

903-831-2306

ESTIMATE #KK2021-82 R2

April 5, 2021



TEXARKANA AR FIRE

DEPARTMENT

416 E 3RD ST

TEXARKANA AR 71854

870-779-4967

1. CUSTOMER CONTACT

- David Fletcher
- Email: david.fletcher@txkusa.org

2. LOCATION

- Fire station 2: 2724 Senator ST Texarkana, AR 71854.
- Fire station 3: 2801 East St Texarkana, AR 71854.
- Fire station 4: 500 Cooper Tire RD Texarkana, AR 71854.
- Fire station 5: 2901 Trinity Blvd Texarkana, AR 71854.

3. LABOR/JOB DESCRIPTION

- Install new 25 KW Natural Gas Generac Protector series generators.
 1. Fire station 2
 - A. Demo existing generator, electrical, and Transfer Switch.
 - B. Install new 25 KW generator using existing concrete pad.
 - C. Plumbing contractor will install new gas line from existing propane tank and connect to new generator.
 - D. Install 100-amp Automatic Transfer Switch (ATS).
 - E. Install 1 (one) 1 ¼" conduit for emergency generator power. This conduit will contain 3 (three) #3 THHN and 1 (one) #6 THHN.
 - F. Install 1 (one) ¾" conduit for controls for the newly installed generator. This conduit will contain #12 THHNs.
 2. Fire station 3
 - A. Demo existing generator, electrical, and Transfer Switch.
 - B. Install new 25 KW generator using existing concrete pad.
 - C. Plumbing contractor will install new gas line from existing gas meter and connect to new generator.
 - D. Install 100-amp Automatic Transfer Switch (ATS).
 - E. Install 1 (one) 1 ¼" conduit for emergency generator power. This conduit will contain 3 (three) #3 THHN and 1 (one) #6 THHN.

- F. Install 1 (one) ¾" conduit for controls for the newly installed generator. This conduit will contain #12 THHNs
3. Fire station 4
 - A. Demo existing generator, electrical, and Transfer Switch.
 - B. Install new 25 KW generator on new composite generator pad. This will be located next to gas meter to reduce the cost of plumbing.
 - C. Plumbing contractor will install new gas line from existing gas meter and connect to new generator.
 - D. Install 100-amp Automatic Transfer Switch (ATS).
 - E. Install 1 (one) 1 ¼" conduit for emergency generator power. This conduit will contain 3 (three) #3 THHN and 1 (one) #6 THHN.
 - F. Install 1 (one) ¾" conduit for controls for the newly installed generator. This conduit will contain #12 THHNs.
 4. Fire station 5
 - A. Demo existing generator, electrical, and Transfer Switch.
 - B. Install new 25 KW generator on new composite generator pad. This will be located next to gas meter to reduce the cost of plumbing.
 - C. Plumbing contractor will install new gas line from existing gas meter and connect to new generator.
 - D. Install 100-amp Automatic Transfer Switch (ATS).
 - E. Install 1 (one) 1 ¼" conduit for emergency generator power. This conduit will contain 3 (three) #3 THHN and 1 (one) #6 THHN.
 - F. Install 1 (one) ¾" conduit for controls for the newly installed generator. This conduit will contain #12 THHNs

4. MATERIAL

- 100-amp ATS, 25 KW Natural Gas Generac Protector series generator, 12-volt battery, and composite generator pad.
- ¾" EMT, ¾" EMT fittings, ¾" seal tight, ¾" seal tight fittings, 1 ¼" EMT, 1 ¼" EMT fittings, 1 ¼" seal tight, and 1 ¼" seal tight fittings.
- #12 THHN, #10 THHN, #6 THHN, and #3 THHN.

5. Not Included

- Working holidays, nights, or weekends.
- Taxes (unless noted below)
- Repair of any damage to any unmarked utilities. One Call will be notified for any underground work. Customer is responsible for marking any other underground.

6. Owner Provided

-

7. Clarification

- Once existing generators are removed HK will place them per customer specified location at each facility.

8. HK Spec.

- All work will be completed according to code, unless directed otherwise by engineering (authority having jurisdiction).
- All plant safety programs and policies will be strictly adhered to.
- Weekly safety meetings will take place to discuss relevant safety issues and inform workers of any safety concerns or problems.
- Employees will wear all required safety PPE (hard hat, safety glasses, steel toe boots, and Hi-Viz vests) at all times, ear plugs when needed) and any other PPE required by task or by location.

9. Schedule

Regular time work schedule will be Monday thru Friday 7:30 am to 4:00 pm. No holiday time or overtime unless noted. Any requested overtime by Owner not noted in proposal will result in a change order.

10. Warranty

All work performed by H&K Electric Inc. will be warranted free of defect or workmanship errors for one year from the time this job is completed.

11. Job Cost

Labor	\$	11,200.00
Material	\$	50,714.15
Equipment/ Travel	\$	2,907.60
Subcontractor	\$	5,500.00
TAX Material	\$	5,198.20
TAX Labor	\$	328.00
TAX Sub.	\$	0.00
Permit	\$	0.00

Grand TOTAL \$ 75,847.95

PROPOSAL/SCOPE PREPARED BY: Kevin Kjellander

Accepted by:

All work is bid per prints or scope. Any alterations or deviations involving cost will be executed only upon written orders and will become an extra charge over and above this estimate. This Proposal valid for 30 Days.

FAX 903-831-2305 WEBSITE: www.HKELECTRIC.ORG THANK YOU FOR THE OPPORTUNITY TO EARN YOUR BUSINESS

TMR GENERATORS GENERAC®

1295 Barkman Creek Road • Hooks, TX 75561

April 1, 2021

TAFD Chief Fletcher,

TMR Generators is pleased to quote the following items for your consideration:

Option 1

2724 Senator Station #2

1-24 kw LP gas fired Generac air-cooled generator, one 100 amp transfer switch, and one 7-year extended warranty. It will be necessary to increase the feeder wire and conduit size from the generator to the transfer switch, this is included. LP gas is present at this location.

2801 East St. Station #3

1-24 kw Natural gas fired Generac air-cooled generator, one 100 amp transfer switch, and one 7 year extended warranty. It will be necessary to run approximately 40' of gas piping to the generator. It will also be necessary to increase the size of the feeder wire from the generator to the transfer switch.

500 Cooper Tire Rd. Station #4

1-24 kw Natural gas fired Generac air-cooled generator, one 100 amp transfer switch, and one 7 year-extended warranty. It will be necessary to run a natural gas line for this unit. It will also be necessary to increase the feeder wire size from the generator to the transfer switch.

2901 Trinity Blvd. Station #5

1-24 kw Natural gas fired Generac air-cooled generator, one 100 amp transfer switch, and one 7 year extended warranty. This location will require approximately 90' of gas line and associated connections. It will also be necessary to increase the size of the conduit and the feeder wire from the generator to the transfer switch.

Turnkey price for replacing existing units with 24 kw units complete with all electrical and gas connections. \$50,167.00 plus applicable sales tax

TMR GENERATORS GENERAC®

1295 Barkman Creek Road • Hooks, TX 75561

Option 2

2724 Senator Station #2

1-25 kw LP gas fired Generac liquid-cooled generator, one 200 amp transfer switch, and one 7 year extended warranty. It will be necessary to increase the feeder wire and conduit size from the generator to the transfer switch, this is included. LP gas is present at this location.

2801 East St. Station #3

1-25 kw LP gas fired Generac liquid-cooled generator, one 200 amp transfer switch, and one 7 year extended warranty. It will be necessary to run approximately 40' of gas piping to the generator. It will also be necessary to increase the size of the feeder wire from the generator to the transfer switch.

500 Cooper Tire Rd. Station #4

1-25 kw LP gas fired Generac liquid-cooled generator, one 200 amp transfer switch, and one 7 year extended warranty. It will be necessary to run a natural gas line for this unit. It will also be necessary to increase the conduit size and the feeder wire size from the generator to the transfer switch.

2901 Trinity Blvd. Station #5

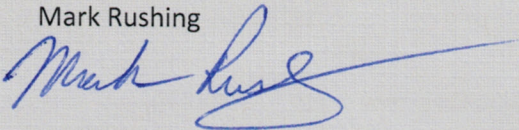
1-25 kw LP gas fired Generac liquid-cooled generator, one 200 amp transfer switch, and one 7 year extended warranty. It will be necessary to run a natural gas line for this unit. This location will require approximately 90' of gas line and associated connections. It will also be necessary to increase the size of the conduit and the feeder wire from the generator to the transfer switch.

Turnkey price for replacing existing units with 25 kw units complete with all electrical and gas connections. 64,859.00 plus applicable sales tax

Thank you for the opportunity to quote this project,

TMR Generators

Mark Rushing





3100 E 19th St.
Texarkana, AR 71854
Phone (870) 773-0033
Fax (870) 773-1155

April 27, 2021

Proposal for: TAFD Generators Revised

Station #2 2724 Senator

Includes:

- Kohler 25CCL natural gas generator
- (1) Kohler 100 amp industrial transfer switch
- NFPA-110 Level 1 compliance
- Coolant heater
- Remote annunciator
- Installation
- Plumbing connection
- Startup and testing
- Concrete pad
- Provide 5-year, 2000 hour limited warranty on generator
- Provide 1-year, unlimited hour warranty on ATS
- Battery
- Freight
- Disposal of old units
- Sales Tax
- Replacement of existing service to meet code

Total Price: \$30,820.38 including sales tax

Station #3 2801 East St

Includes:

- Kohler 25CCL natural gas generator
- (1) Kohler 100 amp industrial transfer switch
- NFPA-110 Level 1 compliance
- Coolant heater

AR Contractor's License #016785 ~ LA Contractor's License #56370
OK Contractor's License #130104 ~ TX Contractor's License #18734

- Remote annunciator
- Installation
- Plumbing connection
- Startup and testing
- Concrete pad
- Provide 5-year, 2000 hour limited warranty on generator
- Provide 1-year, unlimited hour warranty on ATS
- Battery
- Freight
- Disposal of old units
- Sales Tax

Total Price: \$32,170.95 including sales tax

Station #4 500 Cooper Tire Rd.

Includes:

- Kohler 25CCL natural gas generator
- (1) Kohler 100 amp industrial transfer switch
- NFPA-110 Level 1 compliance
- Coolant heater
- Remote annunciator
- Installation
- Plumbing connection
- Startup and testing
- Concrete pad
- Provide 5-year, 2000 hour limited warranty on generator
- Provide 1-year, unlimited hour warranty on ATS
- Battery
- Freight
- Disposal of old units
- Sales Tax

Total Price: \$33,669.25 including sales tax

Station #5 2901 Trinity Boulevard

Includes:

- Kohler 25CCL natural gas generator
- (1) Kohler 100 amp industrial transfer switch

**AR Contractor's License #016785 ~ LA Contractor's License #56370
OK Contractor's License #130104 ~ TX Contractor's License #18734**

April 8, 2021
Page 3

- NFPA-110 Level 1 compliance
- Coolant heater
- Remote annunciator
- Installation
- Plumbing connection
- Startup and testing
- Concrete pad
- Provide 5-year, 2000 hour limited warranty on generator
- Provide 1-year, unlimited hour warranty on ATS
- Battery
- Freight
- Disposal of old units
- Sales Tax

Total Price: \$31,833.59 including sales tax

Sincerely,

Wade Williamson

**AR Contractor's License #016785 ~ LA Contractor's License #56370
OK Contractor's License #130104 ~ TX Contractor's License #18734**



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Consider the following action regarding a request to vacate the right-of-way in the undeveloped section of George Avenue: Conduct a Public Hearing for comments concerning this request. Adopt an Ordinance to vacate the right-of-way in the undeveloped section of George Avenue (Moses) (PWD Planning) City Planner Mary Beck
AGENDA DATE:	04/19/2021
ITEM TYPE:	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
DEPARTMENT:	Public Works/Planning
PREPARED BY:	Mary Beck
REQUEST:	Adopt an ordinance to vacate a right of way – George Avenue
EMERGENCY CLAUSE:	None requested
SUMMARY:	Unused undeveloped dedicated right of way named George Avenue has been petitioned to vacate
EXPENSE REQUIRED:	0
AMOUNT BUDGETED:	0
APPROPRIATION REQUIRED:	0
RECOMMENDED ACTION:	Adopt an ordinance to vacate George Avenue
EXHIBITS:	Ordinance, Memo to City Manager, petition, deeds, supporting documents for authorization of signatures.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF AN UNDEVELOPED RIGHT-OF-WAY LOCATED AS PART OF GEORGE STREET WITHIN THE CITY OF TEXARKANA, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the Board of Directors of the City of Texarkana, Arkansas, on the 9th day of November, 2020, asking that the Board of Directors vacate and abandon a thirty foot (30') wide unimproved portion of George Street, more specifically described as follows:

Lying between Lot 6 of Block 1 and Lots 1 and 7 of Block 4 (but also including any portion of such 30' wide strip that extends to the north of said Lot 7) of the WESTBROOK SUBDIVISION of Texarkana, Miller County, Arkansas, and being approximately 30' in width and 193.3' in length, of approximately .1331 acres more or less and being shown on that plat recorded in Book MPB, Page 195, of the Real Estate and Plat Records Miller County, Arkansas;

SAVE AND EXCEPT, HOWEVER, all rights of the city or the public to install, occupy, maintain, remove replace, and access utilities (including any transmission or communication lines) in such areas are reserved and remain.
(Legal Description by others and not independently verified by preparer)

WHEREAS, after due notice as required by law, the Board of Directors has, at the time and place mentioned in said notice, heard all persons desiring to be heard on the question and has ascertained that said portions of right-of-way herein above and herein after described, have heretofore been dedicated to the public use as right-of-way herein

described; have not been actually used by the public for a period of at least five (5) years subsequent to the filing of the plats; that all owners of the property abutting upon the portions of said right-of-way, respectively, to be vacated have been filed with the Board of Directors their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of said portion of right-of-way; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas:

SECTION 1. The City of Texarkana, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the following described rights-of-way:

Lying between Lot 6 of Block 1 and Lots 1 and 7 of Block 4 (but also including any portion of such 30' wide strip that extends to the north of said Lot 7) of the WESTBROOK SUBDIVISION of Texarkana, Miller County, Arkansas, and being approximately 30' in width and 193.3' in length, of approximately .1331 acres more or less and being shown on that plat recorded in Book MPB, Page 195, of the Real Estate and Plat Records Miller County, Arkansas;

SAVE AND EXCEPT, HOWEVER, all rights of the city or the public to install, occupy, maintain, remove replace, and access utilities (including any transmission or communication lines) in such areas are reserved and remain.
(Legal Description by others and not independently verified by preparer)

SECTION 2. All rights and areas abandoned hereby remain subject to any other persons or entities which may claim and interest and, further, without warranty revert and shall deemed to be included as a part of the property originally encumbered and, specifically: (i) revert, as to the southern fifteen feet (15') of said abandoned area, to and become part of the existing lot or parcel adjacent thereto to the south; and (ii) revert, as to

the northern fifteen feet (15') of said abandoned area, to and become part of the existing lot or parcel adjacent thereto to the north.

SECTION 3. A copy of this ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Miller County, Arkansas, and recorded in the deed records of the county.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 19th day of April, 2021.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George Matteson, City Attorney



George Avenue ROW petition to vacate
Prepared by the Planning Division for reference only



* 2 0 1 3 R 0 0 3 6 7 3 7 *

2013R003673

MARY PANKEY
MILLER COUNTY CIRCUIT CLERK
TEXARKANA, AR
RECORDED ON
05/03/2013 01:51:13PM
REC FEE: 45.00
PAGES: 7

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **ART MORTGAGE BORROWER PROPCO 2006-3 L.P.**, a Delaware limited partnership, hereinafter called **GRANTOR**, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged does hereby grant, bargain, sell and convey unto **ART MORTGAGE BORROWER PROPCO 2013 LLC**, a Delaware limited liability company, hereinafter called **GRANTEE** the following described property and premises situated in Miller County, Arkansas, to-wit:

[FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO.]

TO HAVE AND TO HOLD the same unto the said Grantee, with all privileges and appurtenances thereto belonging.

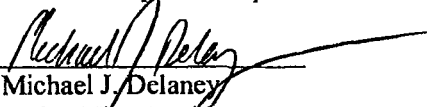
And the said **GRANTOR**, for itself, its successors and assigns, hereby covenant with said **GRANTEE**, that it is lawfully seized in fee of the aforegranted premises; that they are free from all encumbrances; that it has good right to sell and convey the same to the said **GRANTEE** as aforesaid, and that it, its successors and assigns, shall forever warrant and defend the title to the said lands against all claims whatsoever.

TO HAVE AND TO HOLD the above-described premises unto said **GRANTEE** and its successors and assigns forever, free and clear and discharged of from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature incurred by the **GRANTOR**.

[signature on following page]

WITNESS our hand and seal this 1st day of May, 2013.

ART Mortgage Borrower Propco 2006-3 L.P.,
a Delaware limited partnership

By: 
Name: Michael J. Delaney
Its: Executive Vice President

ACKNOWLEDGEMENT

STATE OF GEORGIA)
)
COUNTY OF FULTON)

Before me, G. Elizabeth Magee, a Notary Public for the State of Georgia, personally appeared Michael J. Delaney, who is known to me to be the person signing the foregoing instrument as Executive Vice President of the entity identified, and who acknowledged to me that he executed this instrument for the purposes and consideration expressed therein.

GIVEN under my hand and seal of office this 19 day of May, 2013.

G. Elizabeth Magee
Notary Public In and For the
State of Georgia
Print Name: G. Elizabeth Magee

My Commission Expires:

G Elizabeth Magee
Notary Public
DeKalb County, Georgia
My Commission Expires 03/05/2017

"I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument."

This Instrument Prepared By:
Rex M. Terry
Hardin, Jesson & Terry, PLC
5000 Rogers Avenue, Suite 500
Fort Smith, AR 72903

Michael J. Delaney

Grantee or Grantees' Agent

DIRECT TAX STATEMENT TO:

Americold
10 Glenlake Parkway, South Tower, Suite 800
Atlanta, GA 30328

Exhibit "A"

Legal Description

All that certain tract or parcel of land situated in the Northeast Quarter (NE 1/4) of Section Thirty-Three (33), Township Fifteen (15) South, Range Twenty-Eight (28) West, Miller County, Arkansas, being more particularly described as follows: Beginning at an axle found for corner at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 33, said point being in a county road known as Tennessee Road;

Thence North 88 degrees 27 minutes 35 seconds West, along the North line of said Northwest Quarter of the Northeast Quarter of Section 33, 834.90 feet to a set 5/8 inch rebar for corner on the North and East right-of-way line of the St. Louis Southwestern Railway;

Thence South 44 degrees 23 minutes 52 seconds East, along said right-of-way line, 1130.27 feet to a set 5/8 inch rebar for corner at the beginning of a curve to the left;

Thence Southeasterly along said right-of-way line, same being a curve to the left having a radius of 4861.07 feet, a Delta angle of 10 minutes 00 seconds, a tangent length of 425.29 feet and a length of 848.42 feet to a set 5/8 inch rebar for corner on the South line of the Northeast Quarter of the Northeast Quarter of Section 33;

Thence South 88 degrees 36 minutes 18 seconds East, along the South line of said Northeast Quarter of the Northeast Quarter of Section 33, 508.73 feet to a found railroad spike for corner;

Thence North 01 degree 41 minutes 37 seconds East, 661.47 feet to a found iron pipe for corner;

Thence North 88 degrees 35 minutes 46 seconds West, 18.37 feet to a found iron pipe for corner;

Thence North 00 degrees 23 minutes 39 seconds East, 343.22 feet to a found iron pipe for corner;

Thence South 88 degrees 35 minutes 07 seconds East, 53.30 feet to a set 5/8 inch rebar for corner;

Thence North 00 degrees 23 minutes 39 seconds East, 146.20 feet to a set 5/8 inch rebar for corner;

Thence North 88 degrees 36 minutes 48 seconds West, 105.99 feet to a set 5/8 inch rebar for corner in a fence line on the East line of a certain tract of land owned by the City of Texarkana, Arkansas;

Thence South 00 degrees 02 minutes 17 seconds East, along the East boundary line of said tract, same being a fence line, 8.09 feet to a set 5/8 inch rebar for corner at a fence corner, same being the Southeast corner of the above stated city tract;

Thence North 89 degrees 25 minutes 48 seconds West, along the South boundary line of said city tract, same being a fence line, 107.25 feet to a set 5/8 inch rebar for corner at fence corner, same being the Southwest corner of the above stated city tract;

Thence North 00 degrees 23 minutes 39 seconds East, along the West boundary line of the above stated city tract, same being a fence line, 155.81 feet to a set 5/8 inch rebar for corner at a fence corner, same being the Northwest corner of the above stated city tract, same being the South right-of-way line of Tennessee Road;

Thence North 88 degrees 38 minutes 27 seconds West, along the South right-of-way line of Tennessee Road, 954.44 feet to a set 5/8 inch rebar for corner on the East boundary line of the Northwest Quarter of the Northeast Quarter of Section 33;

Thence North 00 degrees 16 minutes 55 seconds East, along the East boundary line of the Northwest Quarter of the Northeast Quarter of Section 33, 25.00 feet to the Point of Beginning. Containing 37.5639 acres of land, more or less.

Save and Except:

Part of the Northeast Quarter of the Northeast Quarter of Section 33, Township 15 South, Range 28 West, Miller County, Arkansas, more particularly described as follows:

Commencing at a 3/8 inch iron pin being used as the Quarter Corner of Sections 33 and 34, Township 15 South, Range 28 West;

Thence North 02° 06' 09" East along the East line of the East Half of the Northeast Quarter of Section 33 a distance of 1348.12 feet to a point on the Northerly prescriptive right of way line of Arkansas State Highway 196 as established by AHTD Affidavit dated February 22, 2007;

Thence North 86° 51' 18" West along said right of way line a distance of 95.99 feet to a point;

Thence North 86° 35' 38" West along said right of way line a distance of 53.84 feet to a point;

Thence North 86° 32' 24" West along said right of way line a distance of 40.40 feet to a point;

Thence North 86° 23' 35" West along said right of way line a distance of 3.57 feet for the Point of Beginning;

Thence continuing North 86° 23' 35" West along said right of way line a distance of 72.87 feet to a point;

Thence North 76° 47' 12" West along said right of way line a distance of 91.29 feet to a point;

Thence North 86° 18' 30" West along said right of way line a distance of 63.80 feet to a point;

Thence North 83° 22' 22" West along said right of way line a distance of 19.53 feet to a point;

Thence North 87° 50' 19" West along said right of way line a distance of 38.99 feet to a point;

Thence South 86° 16' 07" West along said right of way line a distance of 91.95 feet to a point;

Thence South 75° 16' 35" West along said right of way line a distance of 13.88 feet to a point;

Thence South 53° 50' 37" West along said right of way line a distance of 67.48 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter of Section 33;

Thence North 87° 37' 16" West along said South line a distance of 74.90 feet to a point on the Northeasterly right of way line of Union Pacific Railroad;

Thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 4861.15 feet a distance of 114.70 feet having a chord bearing of North 52° 37' 00" West a distance of 114.69 feet to a point on the Northerly right of way line of Arkansas State Highway 196 as established by AHTD Job 030321;

Thence South 86° 36' 36" East along said right of way line a distance of 328.28 feet to a point;

Thence South 86° 39' 22" East along said right of way line a distance of 283.05 feet to a point;

Thence South 02° 45' 05" West a distance of 20.81 feet to the Point of Beginning and containing 0.33 acres, more or less as shown on plans prepared by the AHTD referenced as Job 030321.

And save and except:

All that certain lot, tract or parcel of land lying and situated in the NE1/4 of the NE1/4, Section 33, Township 15 South, Range 28 West, Miller County, Arkansas, being a part of that certain tract of land described in the deed from Art Mortgage Borrower, L.P., a Delaware limited partnership to Art Mortgage Borrower Propco 2006-3, L.P., a Delaware limited partnership, dated December 8, 2006, recorded in Book 2006, Page 8529 of the Deed Records of Miller County, Arkansas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for a corner, which bears South 03 degrees 40 minutes 16 seconds East a distance of 3.26 feet from a 1 inch steel bolt found for a reference, an outside ell corner of the said Art tract, the Southeast corner of Lot No. 7, Block No. 1 of the Westbrook Subdivision, according to the plat recorded in Book 74, Page 110 of the Plat Records of Miller County, Arkansas, the Southwest corner of Lot No. 3,

Block No. 1 of the said Subdivision, and the Northwest corner of Lot No. 4, Block No. 1 of the said Subdivision, said corner bears South 88 degrees 50 minutes 03 seconds East a distance of 157.16 feet and North 02 degrees 07 minutes 03 seconds East a distance of 171.22 feet to a pk spike found for the Northeast corner of the said Section 33;

THENCE South 01 degrees 48 minutes 38 seconds West at a distance of 142.95 feet passing a 5/8 inch steel rod found for a reference, continuing in all a distance of 146.21 feet along the East line of the said Art tract, the West line of the said Lot No. 4, Block No. 1, the West line of Lot No. 5, Block No. 1 of the said Subdivision, and the West line of Lot No. 6, Block No. 1 of the said Subdivision to a point for a corner, lying in the North right-of-way line of George Avenue, an outside ell corner of the said Art tract, the Southwest corner of the said Lot No. 6, Block No. 1;

THENCE North 88 degrees 50 minutes 03 seconds West a distance of 114.21 feet along the North right-of-way line of the said George Avenue and the South line of the said Art tract to a point for a corner;

THENCE North 00 degrees 14 minutes 15 seconds West a distance of 142.49 feet to a point for a corner, at an angle point, lying in the North line of the said Art tract;

THENCE North 89 degrees 45 minutes 45 seconds East a distance of 13.00 feet along the North line of the said Art tract to a 1/2 inch steel rod found for a corner, at an angle point, an inside ell corner of the said Art tract;

THENCE North 00 degrees 52 minutes 52 seconds East a distance of 3.44 feet along the West line of the said Art tract to a point for a corner, an outside ell corner of the said Art tract, the Southeast corner of Lot No. 9, Block No. 1 of the said Subdivision, the Southwest corner of Lot No. 8, Block No. 1 of the said Subdivision;

THENCE South 88 degrees 50 minutes 03 seconds East a distance of 106.37 feet along the North line of the said Art tract, the South line of the said Lot No. 8, Block No. 1 of the said Subdivision, and the South line of Lot No. 7, Block No. 1 of the said Subdivision to the point of beginning and containing 0.391 acres of land, at the time of this survey.

The bearings are based on grid North within the "Arkansas Coordinate System of 1983, South Zone", NAD83 (CORS96, epoch 2002.0), at the surface, with a bearing of South 87 degrees 36 minutes 19 seconds East.

This description is based on the survey and plat made by Mike Gardner, Professional Land Surveyor No. 1537, on April 11, 2013.

PREPARED IN THE OFFICE OF:
LANGDON ★ DAVIS
Attorneys at Law
625 Sam Houston
New Boston, TX 75570

AFTER RECORDING, RETURN TO:
MILLER COUNTY ABSTRACT
405 Walnut St.
Texarkana, AR 71854

WARRANTY DEED

THE STATE OF ARKANSAS }
 } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MILLER }
 }

THAT PATRICIA WALKER, a single person; BRIAN MICHAEL WALKER, also known as Brian Walker, joined herein by SARAH WALKER, his wife; NORA KATHLEEN HARKER, joined herein by DAVID HARKER, her husband; LAURA WALKER LeBLANC, A SINGLE PERSON; FRANK JEFFREY WALKER, a single person, and MARY JO WALKER BOYD, a single person, GRANTORS, for and in consideration of the sum of Ten Dollars (\$10.00), cash and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto MICHAEL J. MARTIN AND RHONDA G. MOSES, husband and wife, GRANTEES, and unto their heirs, successors and assigns forever, the following described lands located in the County of Miller State of Arkansas:

All of Lots Numbered Five (5) and Six (6) in Block Numbered One (1) and all of Lots Numbered One (1), Two (2) and the North Ninety-eight feet (N 98') of Lot Numbered Seven (7) in Block Numbered Four (4) of WESTBROOK SUBDIVISION, an Addition to the City of Texarkana, Miller County, Arkansas, according to the map or plat of record in Volume 74, Page 110, Plat Records of Miller County, Arkansas..

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2020, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantors assume.

To have and to hold unto the Grantees, and unto their heirs, successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantors hereby covenant with the Grantees that they will forever warrant and defend the title to the lands against all lawful claims whatsoever.

And we GRANTORS, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantees, and unto their heirs, successors and assigns forever, all our right and possibility of curtesy, dower and homestead in and to the above-described real property.

WITNESS our hands this 28 day of September 2020.

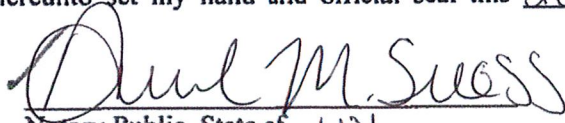

PATRICIA WALKER

ACKNOWLEDGMENT

STATE OF WIS }
COUNTY OF DOOR }

On this 28 day of September, 2020, before me, Amanda Suess, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named PATRICIA WALKER, a single person, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 28 day of September, 2020.


Notary Public, State of WI
Printed Name: Amanda Suess
Commission Expires: 9-17-24



✓ Brian Michael Walker
BRIAN MICHAEL WALKER

✓ Sarah Walker
SARAH WALKER

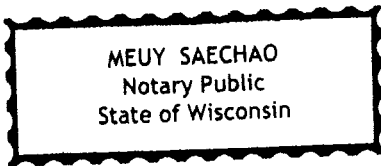
ACKNOWLEDGMENT

STATE OF Wisconsin }

COUNTY OF Milwaukee }

On this 7th day of October, 2020, before me, Meuy Saechao, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named BRIAN MICHAEL WALKER and SARAH WALKER, his wife, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 7th day of October, 2020.



✓ Meuy Saechao
Notary Public, State of Wisconsin
Printed Name: Meuy Saechao
Commission Expires: My Commission Expires
June 18, 2024

[Signature]
NORA KATHLEEN HARKER

[Signature]
DAVID HARKER

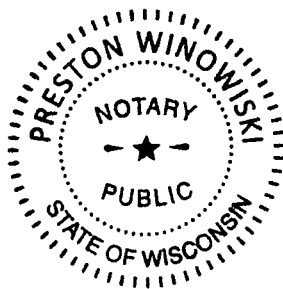
ACKNOWLEDGMENT

STATE OF Wisconsin /)

COUNTY OF Waukesha /)

On this 25th day of September, 2020, before me, Preston Winowiski, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named NORA KATHLEEN HARKER and DAVID HARKER, her husband, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 25th day of September, 2020.



[Signature]
Notary Public, State of Wisconsin
Printed Name: Preston Winowiski
Commission Expires: May 28th, 2023

Laura Walker LeBlanc
LAURA WALKER LeBLANC

ACKNOWLEDGMENT

STATE OF Louisiana)

COUNTY OF East Baton Rouge)

On this 30th day of September, 2020, before me, Penny G. McBee, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named LAURA WALKER LeBLANC, a single person, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30th day of September, 2020.

Penny G. McBee
Notary Public, State of Louisiana ID# 51874
Printed Name: Penny G. McBee
Commission Expires: upon my death

Frank Jeffrey Walker
FRANK JEFFREY WALKER

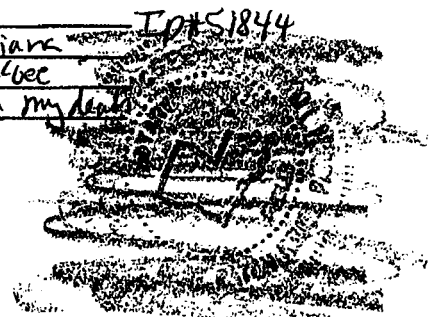
ACKNOWLEDGMENT

STATE OF Louisiana }
COUNTY OF East Baton Rouge }

On this 30th day of September, 2020, before me, Penny G. Mcbee, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named FRANK JEFFREY WALKER, a single person, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30th day of September, 2020.

Penny G. Mcbee
Notary Public, State of Louisiana 10151844
Printed Name: Penny G. Mcbee
Commission Expires: upon my death



Mary Jo Walker Boyd
MARY JO WALKER BOYD

ACKNOWLEDGMENT

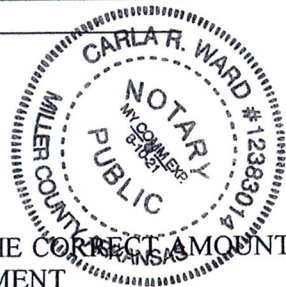
STATE OF Arkansas }

COUNTY OF Miller }

On this 9 day of Oct, 2020, before me, Carla R. Ward, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named MARY JO WALKER BOYD, a single person, to me personally well known, or to me proven to be the persons therein stated, who stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 9 day of Oct, 2020.

Carla R. Ward
Notary Public, State of _____
Printed Name: _____
Commission Expires: _____



I/WE CERTIFY UNDER PENALTY OF FALSE SWEARING THAT THE CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT

Carla R. Ward
GRANTEE OR GRANTEE'S AGENT

203988ARA



CITY OF TEXARKANA ARKANSAS

DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Dr. Kenny Haskin

FROM: Mary L. Beck, City Planner

DATE: March 12, 2021

SUBJECT: Board of Directors Agenda item for 04-05-2021 Vacating right-of-way (ROW) Petition by Michael J. Martin & Rhonda G. Moses, et.al., 3903 Genoa Road, Texarkana, AR 71854-9311 to abandon the remainder of George Avenue, a dedicated, unused, undeveloped street platted.

LEGAL DESCRIPTION: The remaining portion of George Avenue is 193.3' long, running west to east & 30' wide containing .133 acres more or less. The ROW ends at Stallion Drive. On the north side it borders Lot No. 6, block 1, WESTBROOK SUBDIVISION & a tract of land owned by Miller County Water district. On the south side it borders the north side of Lot No. 1 & Lot No. 7, Block 4, of the same subdivision.

REASON FOR REQUEST: The Right of Way (ROW) originally was platted as part of the WESTBROOK SUBDIVISION outside the City. Although most of the original subdivision was abandoned prior to annexation, part of it was amended into WESTBROOK REVISED SUBDIVISION that excluded the remainder of George Avenue and several lots. The initial petitioner has purchased land on both sides of the right of way and wants to utilize the land to construct two dwellings for their family use. Miller County Water District and Americold were invited to join the petition in order to avoid an orphaned portion of right of way.

EXISTING LAND USES: Site: ROW
North: residential and Miller County Water District building
East: vacant & residence
South: vacant
West: Americold refrigeration plant

EXISTING ZONING: Site: R-1 Rural residential
North: R-1 Rural residential
East: R-1 Rural residential
South: R-1 Rural residential
West: M-1 Limited manufacturing and R-1 Rural residential

COMPATIBILITY WITH EXISTING ZONING: The industrial plant located to the west of the ROW has been contacted to insure they would be a party to the petition for the abandonment and that it would not impact their access or operations. After consulting their legal department, the petition was signed by Jay Herron, their authorized representative. Attached is also an email from Wayne Bryant who sent a scan of the petition he signed as the Miller County Water District president after authorization by his board.

UTILITIES & TRANSPORTATION NETWORK:

This property is currently zoned R-1 Rural residential and has no utilities located in the ROW and there are no indications from records available it has ever been utilized nor is it now planned to be utilized for utility lines. It has never been developed as part of the transportation system and dead ends into Stallion Drive, a local street that is little used and is about four (4) blocks in length.

Responses from utility companies when asked if they objected to the abandonment request or requested an easement had no objections and no easements were requested:

Miller County Water district – NA (co-petitioner).

Centerpoint Energy – Brandon D. Brooks, November 30, 2020:
“We have nothing on that easement. We are good with the abandonment.”

AEP Swepco – Cabe C. Bonner, December 10, 2020:
“I do not see any existing or future reason SWEPCO would object to abandoning the ROW.”

Windstream – Michael A. Latham, February 22, 2021:
“I don’t see any issue with abandoning the ROW as we are not going to build FAC in that location.”

CableOne/Sparklight – Rick Syphers, December 2, 2020:
“CableOne/Sparklight has no objection.”

TWU – J.D. Phillips, December 1, 2020:

“The piece of property that will be affected by the abandonment of George Avenue is owned by the Miller County Public Water Authority. Their president is Wayne Bryant.”

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(1)

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2)

Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3)

Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4)

The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board’s authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5)

Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice most recently was published in the Sunday, February 21, 2021 edition of the Texarkana Gazette.

ROW abandonments do not require additional notification as all adjacent property owners are petitioners.

OPPOSITION: None. The item has been tabled since December of 2020 and has been in legal notices that December, January and March and no opposition has been heard or indicated.

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on March 9, 2021 and certified recommendation to abandon the unused, remainder of George Avenue. On a motion by Mr. Smith, seconded by Mr. Coker, the motion passed 5-0 with no opposition. Two commissioners were absent.

Adger Smith, Chairman	yes
Anderson Neal, Vice Chairman	absent
George Coker	yes
Bertha Dunn	yes
Jason Dupree	yes
Randall Hickerson	absent
Boots Thomas	yes

BOARD ACTION REQUESTED:

The City Board is requested to:
Set a date for a hearing on April 5, 2021.

Hold a public hearing April 19, 2021.

To abandon the ROW, the *Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.

ABANDONMENT PETITION

Right-of-Way (Street, Alley, & Utility Easement)

COME (List names) Michael J. Martin, Rhonda G. Moses

Petitioner(s) herein, and for their Petition to secure the vacation of the following (street/alley/utility easement), to-wit (legal description of abandonment):

George Ave., 15 Stallion Dr, Blk 4 Lot 1.
= Blk 4 lot 6 alley

WHEREAS, Petitioner(s) would respectfully show the Board of Directors of the City of Texarkana, Arkansas the following:

WHEREAS, The above (street/alley/utility easement) has been dedicated by virtue of said property being platted and said plat being filed for record as provided by law in Book MPB, page 195, Records of Miller County, Arkansas.

WHEREAS, That the above (street/alley/utility easement) has not been used by the public for a period of five (5) years.

WHEREAS, That the (street/alley/utility easement) which Petitioner(s) seek(s) to vacate is shown on the attached copy of the plat filed in the Office of the County Recorder revealing the relevant portion(s) of said (street/alley/utility easement).

WHEREFORE, PREMISES CONSIDERED, Petitioner(s) pray(s) that the Board of Directors of the City of Texarkana, Arkansas, fix a day for the hearing of this petition, providing for notice of same in accordance with the laws of the State of Arkansas, and after such hearing vacate and abandon said (street/alley/utility easement).

X Rhonda G. Moses
X Michael J. Martin
Way Camp, MC PA

[Signature]

Petitioner(s)



* 2 0 1 3 R 0 0 3 3 7 6 4 *

2013R003376

MARY PANKEY
MILLER COUNTY CIRCUIT CLERK
TEXARKANA, AR

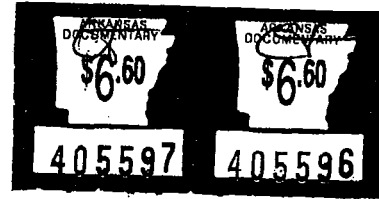
RECORDED ON
04/23/2013 01:40:54PM

REC FEE: 30.00

PAGES: 4

This instrument prepared by:

R. Gary Nutter
Dunn Nutter & Morgan, LLP
3601 Richmond Road
Texarkana, Texas 75503-0716
Telephone: 903-793-5651
Telecopier: 903-794-5651
Email: rgnutter@dnmlawfirm.com



WARRANTY DEED

STATE OF ARKANSAS §
 §
COUNTY OF MILLER §

KNOW ALL MEN BY THESE PRESENTS:

That **ART Mortgage Borrower Propco 2006-3, LP**, hereinafter called **Grantor**, for the consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to **Grantor** in hand paid by **Miller County Public Water Authority**, hereinafter called **Grantee**, the receipt of which is hereby acknowledged and confessed;

Grantor has **GRANTED, SOLD, and CONVEYED**, and by these presents does **GRANT, SELL, and CONVEY** unto **Grantee**, all of that certain tract or parcel of land lying and being situated in the County of Miller and State of Arkansas, to-wit:

Main Tract, with 0.391 Acres
Miller County, Arkansas

All that certain lot, tract or parcel of land lying and situated in the NE1/4 of the NE1/4, Section 33, Township 15 South, Range 28 West, Miller County, Arkansas, being a part of that certain tract of land described in the deed from Art Mortgage Borrower, L.P., a Delaware limited partnership to Art Mortgage Borrower Propco 2006-3, L.P., a Delaware limited partnership, dated December 8, 2006, recorded in Book 2006, Page 8529 of the Deed Records of Miller County, Arkansas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for a corner, which bears South 03 degrees 40 minutes 16 seconds East a distance of 3.26 feet from a 1 inch steel bolt found for a reference, an outside ell corner of the said Art tract, the Southeast corner of Lot No. 7, Block No. 1 of the Westbrook Subdivision, according to the plat recorded in Book 74, Page 110 of the Plat Records of Miller County, Arkansas, the Southwest corner of Lot No. 3, Block No. 1 of the said Subdivision, and the Northwest corner of Lot No. 4, Block No. 1 of the said Subdivision, said corner bears South 88 degrees 50 minutes 03 seconds East a distance of 157.16 feet and North 02 degrees 07 minutes 03 seconds East a distance of 171.22 feet to a pk spike found for the Northeast corner of the said Section 33;

THENCE South 01 degrees 48 minutes 38 seconds West at a distance of 142.95 feet passing a 5/8 inch steel rod found for a reference, continuing in all a distance of 146.21 feet along the East line of the said Art tract, the West line of the said Lot No. 4, Block No. 1, the West line of Lot No. 5, Block No. 1 of the said Subdivision, and the West line of Lot No. 6, Block No. 1 of the said Subdivision to a point for a corner, lying in the North right-of-way line of George Avenue, an outside ell corner of the said Art tract, the Southwest corner of the said Lot No. 6, Block No. 1;

THENCE North 88 degrees 50 minutes 03 seconds West a distance of 114.21 feet along the North right-of-way line of the said George Avenue and the South line of the said Art tract to a point for a corner;

THENCE North 00 degrees 14 minutes 15 seconds West a distance of 142.49 feet to a point for a corner, at an angle point, lying in the North line of the said Art tract;

THENCE North 89 degrees 45 minutes 45 seconds East a distance of 13.00 feet along the North line of the said Art tract to a 1/2 inch steel rod found for a corner, at an angle point, an inside ell corner of the said Art tract;

THENCE North 00 degrees 52 minutes 52 seconds East a distance of 3.44 feet along the West line of the said Art tract to a point for a corner, an outside ell corner of the said Art tract, the Southeast corner of Lot No. 9, Block No. 1 of the said Subdivision, the Southwest corner of Lot No. 8, Block No. 1 of the said Subdivision;

THENCE South 88 degrees 50 minutes 03 seconds East a distance of 106.37 feet along the North line of the said Art tract, the South line of the said Lot No. 8, Block No. 1 of the said Subdivision, and the South line of Lot No. 7, Block No. 1 of the said Subdivision to the point of beginning and containing 0.391 acres of land, at the time of this survey.

The bearings are based on grid North within the "Arkansas Coordinate System of 1983, South Zone", NAD83 (CORS96, epoch 2002.0), at the surface, with a bearing of South 87 degrees 36 minutes 19 seconds East.

This description is based on the survey and plat made by Mike Gardner, Professional Land Surveyor No. 1537, on April 11, 2013.

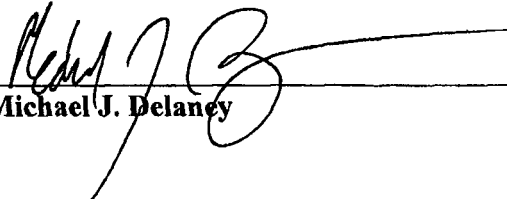
This conveyance is further made and accepted subject to all restrictions, reservations, covenants, conditions, rights of way and easements now of record, if any, in Miller County, Arkansas, affecting the above described property.


TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said **Grantee**, and **Grantor** does hereby bind itself, its successors, and assigns, to warrant and forever defend all and singular the said premises unto **Grantee**, against every person or entity whomsoever lawfully claiming or to claim the same or any part thereof.

And **ART Mortgage Borrower Propco 2006-3, LP**, for the consideration aforesaid, does hereby release, relinquish, and quitclaim unto **Grantee**, all of its rights of dower, curtesy, and homestead in and to the said land.

EXECUTED this 12th day of April, 2013.

ART MORTGAGE BORROWER PROPCO 2006-3, LP

By: 
Michael J. Delaney

Attest:

Daniel C. Deckbar

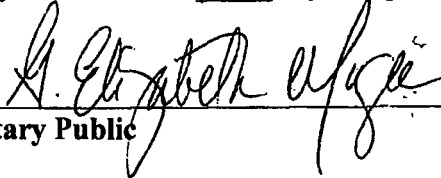
STATE OF GEORGIA
COUNTY OF FULTON

*
*
*

ACKNOWLEDGMENT

On this day, before me, the undersigned, a Notary Public, duly commissioned, qualified, and acting, within and for said County and State, appeared in person the within named **Michael J. Delaney** and **Daniel C. Deckbar**, to me personally well known, who stated that they were the Executive Vice President & Secretary and Vice President of **ART Mortgage Borrower Propco 2006-3, LP**, a Delaware limited partnership, and were duly authorized in their respective capacities to execute the annexed and foregoing Warranty Deed for and in the name and behalf of said limited partnership, and further stated and acknowledged that they had so signed, executed, and delivered said foregoing Warranty Deed for the consideration, uses, and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 12th day of April, 2013.



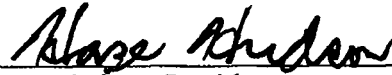
Notary Public

My Commission Expires:

G Elizabeth Magee
Notary Public
DeKalb County, Georgia
My Commission Expires 03/05/2017

I hereby certify, under penalty of false swearing, that at least the correct amount of revenue stamps have been placed on this instrument prior to recording.

Miller County Public Water Authority, Grantee

By: 

Haze Hudson, President
2906 Grand Avenue
Texarkana, Arkansas 71854

ARK-Beck, Mary

From: Wayne Bryant <waybry@yahoo.com>
Sent: Friday, February 12, 2021 2:27 PM
To: ARK-Beck, Mary
Cc: markwurtele@gmail.com
Subject: Abandonment
Attachments: Texarkana ROW Surrender Petition 12-3-2020.pdf

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPad. MCPWA has no problem with the abandonment of easement. Wayne Bryant , President of MCPWA

ARK-Beck, Mary

From: TWU-Phillips, JD
Sent: Tuesday, December 1, 2020 1:33 PM
To: ARK-Beck, Mary
Cc: TWU-Smith, Gary
Subject: George Avenue Abandonment

Mary,

The piece of property that will be affected by the abandonment of George Avenue is owned by the Miller County Public Water Authority. Their president is Wayne Bryant.

Wayne's phone numbers are: Cell – 903-826-4497
Work – 870-772-1511
Home – 870-653-3655

Thanks,
JD

ARK-Beck, Mary

From: Brooks, Brandon D <Brandon.Brooks@centerpointenergy.com>
Sent: Monday, November 30, 2020 9:43 AM
To: ARK-Beck, Mary; Engelkes, Diane L.; Watkins, Ronnie M
Subject: RE: [External Email] Undeveloped George Avenue

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have nothing on that easement. We are good with the abandonment.

ARK-Beck, Mary

From: ARK-Beck, Mary
Sent: Thursday, December 10, 2020 11:55 AM
To: Cabe C Bonner
Subject: Re: ROW petition to abandon

Thank you.

From: Cabe C Bonner <ccbonner@aep.com>
Sent: Thursday, December 10, 2020 11:45 AM
To: ARK-Beck, Mary <mbeck@txkusa.org>
Cc: Dusty Wiley <dwwiley@aep.com>
Subject: RE: ROW petition to abandon

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mary,

I completely forgot to get back with you and I apologize for the delayed response. I took a look at the area in question and do not see any existing or future reason that SWEPCO would object to abandoning the ROW.

Thanks

From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Wednesday, December 2, 2020 9:58 AM
To: Cabe C Bonner <ccbonner@aep.com>
Subject: [EXTERNAL] ROW petition to abandon

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

Good morning Cabe,

Please respond regarding any existing equipment in the undeveloped ROW shown on the attachment or plans for future use and whether Swepeco has objections to the petition or requests. The location is shown on the attached map section and off the west side of Stallion Drive on the east side of the Americold Plant.

Warm regards,
Mary

ARK-Beck, Mary

From: Latham, Michael A <Michael.A.Latham@windstream.com>
Sent: Monday, February 22, 2021 3:27 PM
To: Jackson, Chris L
Cc: ARK-Beck, Mary
Subject: RE: ROW abandonment request

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I don't see any issue with abandoning the ROW as we are not going to build FAC in that location.

Thanks

Michael Latham
Network Technician-Operations
903-791-3107 office
903-748-1824 mobile
michael.a.latham@windstream.com



507 Olive St
Texarkana, TX, 75501
windstream.com

Sensitivity: Internal

From: Jackson, Chris L <Chris.Jackson@windstream.com>
Sent: Monday, February 22, 2021 11:12 AM
To: Latham, Michael A <Michael.A.Latham@windstream.com>
Cc: ARK-Beck, Mary <mbeck@txkusa.org>
Subject: FW: ROW abandonment request

Good morning Mary,

I hope things are getting back to normal for y'all downtown. I'm still around but I don't cover the Arkansas side anymore. Michael Latham is now the engineer for us over Texarkana, AR. I've got his email above for you. I don't think we will have any issues abandoning the right of way attached, but I'll let Michael ok it. You can keep me on the email list in case Michael is on vacation or can't get back with you on future issues.

Thanks,

Chris Jackson

Engineer/OPT OSP Design Engineering

ARK-Beck, Mary

From: Syphers, Rick <Donald.Syphers@sparklight.biz>
Sent: Wednesday, December 2, 2020 8:55 AM
To: ARK-Beck, Mary
Subject: RE: Abandonment of undeveloped George Avenue request

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cableone/Sparklight has no objection. Deandrea is no longer with Swepeco may want to reach out to Cabe Bonner 903-223-5721

From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Monday, November 30, 2020 12:05 PM
To: TWU-Smith, Gary <gsmith@txkusa.org>; Deandrea D Perez <ddperez1@aep.com>; Syphers, Rick <Donald.Syphers@sparklight.biz>; Jackson, Chris <Chris.Jackson@windstream.com>
Cc: ARK-Richards, Tyler <Tyler.Richards@txkusa.org>
Subject: Abandonment of undeveloped George Avenue request

CAUTION: External source. THINK BEFORE YOU CLICK!

Good afternoon,

Please find attached maps for a request to abandon the platted, undeveloped section of George Avenue off Stallion Drive, South of Tennessee Road, north of Genoa Road adjacent to the Americold Plant. Please advise of any opposition or easement needs regarding this request for abandonment.

This request may or may not go forward based on other factors but we are requesting all input that is relevant.

Warm regards,
Mary



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Consider the following action regarding a request to vacate the right-of-way in the undeveloped section of Marietta Street: Conduct a Public Hearing for comments concerning this request. Adopt an Ordinance to vacate the right-of-way in the undeveloped section of Marietta Street (Walter Street Church of Christ) (PWD Planning) City Planner Mary Beck
AGENDA DATE:	04/19/2021
ITEM TYPE:	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
DEPARTMENT:	Public Works/Planning
PREPARED BY:	Mary Beck
REQUEST:	Adopt an ordinance to vacate a right of way – unused portion of Marietta Street
EMERGENCY CLAUSE:	None requested
SUMMARY:	Petition to vacate undeveloped dedicated portion of Marietta Street east of Ray Street.
EXPENSE REQUIRED:	0
AMOUNT BUDGETED:	0
APPROPRIATION REQUIRED:	0
RECOMMENDED ACTION:	Adopt an ordinance
EXHIBITS:	Ordinance, Memo to City Manager, petition, deeds, supporting documents for authorization of signatures.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF AN UNDEVELOPED RIGHT-OF-WAY LOCATED AS PART OF MARIETTA STREET WITHIN THE CITY OF TEXARKANA, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the Board of Directors of the City of Texarkana, Arkansas, on the 16th day of February, 2021, asking that the Board of Directors vacate and abandon a forty foot (40') wide unimproved portion of Marietta Street, more specifically described as follows:

Located on the north side of Block 1, Lots 1-7, CUCKLOR'S 3RD SUBDIVISION and lying south of Miller County parcel (00336500), that is the PT E/2, E/2, NW, NE, Section 19, Township 15S, Range 28W, Texarkana, Miller County, Arkansas (said unimproved portion of Marietta Street being approximately two hundred ninety-four point seven feet long (294.7') by forty feet wide and containing approx.. 0.270 acres;

SAVE AND EXCEPT, HOWEVER, all rights of the city or the public to install, occupy, maintain, remove replace, and access utilities (including any transmission or communication lines) in such areas are reserved and remain.

(Legal Description by others and not independently verified by preparer)

WHEREAS, after due notice as required by law, the Board of Directors has, at the time and place mentioned in said notice, heard all persons desiring to be heard on the question and has ascertained that said portions of right-of-way herein above and herein after described, have heretofore been dedicated to the public use as right-of-way herein described; have not been actually used by the public for a period of at least five (5) years subsequent to the filing of the plats; that all owners of the property abutting upon the portions of said right-of-way, respectively, to be vacated have been filed with the Board of Directors their written consent to the abandonment; and

that public interest and welfare will not be adversely affected by the abandonment of said portion of right-of-way; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas:

SECTION 1. The City of Texarkana, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the following described rights-of-way:

Located on the north side of Block 1, Lots 1-7, CUCKLOR'S 3RD SUBDIVISION and lying south of Miller County parcel (00336500), that is the PT E/2, E/2, NW, NE, Section 19, Township 15S, Range 28W, Texarkana, Miller County, Arkansas (said unimproved portion of Marietta Street being approximately two hundred ninety-four point seven feet long (294.7') by forty feet wide and containing approx.. 0.270 acres;

SAVE AND EXCEPT, HOWEVER, all rights of the city or the public to install, occupy, maintain, remove replace, and access utilities (including any transmission or communication lines) in such areas are reserved and remain.

(Legal Description by others and not independently verified by preparer)

SECTION 2. All rights and areas abandoned hereby remain subject to any other persons or entities which may claim and interest and, further, without warranty revert and shall deemed to be included as a part of the property originally encumbered and, specifically: (i) revert, as to the southern twenty feet (20') of said abandoned area, to and become part of the existing lot or parcel adjacent thereto to the south; and (ii) revert, as to the northern twenty feet (20') of said abandoned area, to and become part of the existing lot or parcel adjacent thereto to the north.

SECTION 3. A copy of this ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Miller County, Arkansas, and recorded in the deed records of the county.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 19th day of April, 2021.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George Matteson, City Attorney

D-207/553

THIS INSTRUMENT PREPARED BY
WILLIAMS AND KEMP
ATTORNEYS AT LAW
TEXARKANA, ARKANSAS

WARRANTY DEED WITH RELINQUISHMENT OF DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Sherman Kusin
and Ellen Kusin his wife

for and in consideration of the sum of -----Ten and No/100-----

-----(\$10.00)----- DOLLARS,
and other good and valuable consideration to us cash in hand paid by
Leslie Trammel, L. C. Crittenden and Frank Nelson, Trustees of the
Walter Street Church of Christ of Texarkana, Arkansas, formerly the Church
of Christ, the receipt of which is hereby acknowledged,
do hereby grant, bargain, sell and convey unto the said Leslie Trammel, L. C. Crittenden
and Frank Nelson, as Trustees of the Walter Street Church of Christ of
Texarkana, Arkansas

and unto their successors heirs and assigns forever, the following lands lying

in the County of Miller and State of Arkansas, to-wit:

Lot Numbered Four (4) in Block Numbered One (1), SPRINGERS
ADDITION to the City of Texarkana, Miller County, Arkansas.

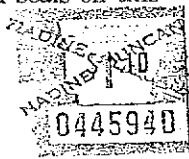
It is the intention of the GRANTORS to convey to the
GRANTEES all their undivided One-third (1/3rd) interest
in and to the above described lands.

To have and to hold the same unto the said Leslie Trammel, L. C. Crittenden
and Frank Nelson, as Trustees of the Walter Street Church of Christ
of Texarkana, Arkansas
and unto their/ heirs and assigns forever, with all appurtenances thereunto belonging.
successors

And we hereby covenant with said Leslie Trammel, L. C. Crittenden and
Frank Nelson, as Trustees of the Walter Street Church of Christ of
Texarkana, Arkansas that we will forever warrant and defend
the title to the said lands against all claims whatsoever

And I, Ellen Kusin
wife of the said Sherman Kusin
for and in consideration of the said sum of money, do hereby release and relinquish unto the said
Leslie Trammel, L. C. Crittenden and Frank Nelson, as Trustees of the
Walter Street Church of Christ of Texarkana, Arkansas
all my rights of dower and homestead in and to the said lands

WITNESS our hands and seals on this 11th day of August 19 77.



X Sherman Kusin L. S.
X Ellen Kusin L. S.

ACKNOWLEDGEMENT

STATE OF ARKANSAS }
County of } ss.

BE IT REMEMBERED, That on this day came before me, the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting Sherman Kusin and Ellen Kusin

to me well known as the grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also voluntarily appeared before me the said Ellen Kusin wife of the said Sherman Kusin

to me well known, and in the absence of her said husband declared that she had, of her own free will, executed said Deed and signed and sealed the relinquishment of dower and homestead in the said Deed for the consideration and purposes therein contained and set forth, without compulsion or undue influence of her said husband.

WITNESS my hand and seal as such Notary Public on this 11th day of August 19 77 .

My commission expires 6-1-79

Martha Pratt
Notary Public

FILED FOR RECORD ON THIS 19 DAY OF August, 1977 AT 12:05 O'CLOCK P.M.

NADINE DUNCAN, CLERK
Quaid H. Collins, Deputy



* 2 0 1 2 R 0 1 1 5 2 7 4 *

2012R011527

MARY PANKEY
MILLER COUNTY CIRCUIT CLERK
TEXARKANA, AR

RECORDED ON
11/07/2012 10:36:32AM

REC FEE: 30.00

PAGES: 4

Title of Document: Warranty Deed

Grantor: SOUTHWEST ARKANSAS DEVELOPMENT COUNCIL, INC.

Grantee: WALTER STREET CHURCH OF CHRIST INC.

PREPARED UNDER THE SUPERVISION OF:
CLARKE D. ARNOLD, P.A.
P.O. BOX 2590
TEXARKANA, ARKANSAS 75504-2590
GF#31278

WARRANTY DEED

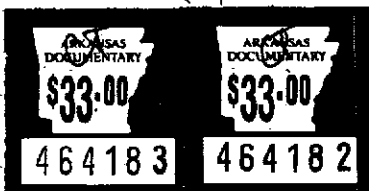
KNOW ALL MEN BY THESE PRESENTS:

THAT, SOUTHWEST ARKANSAS DEVELOPMENT COUNCIL, INC., being one and the same entity as SOUTHWEST ARKANSAS DEVELOPMENT, INC., an Arkansas non-profit corporation, GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations, in hand paid by WALTER STREET CHURCH OF CHRIST INC., an Arkansas non-profit corporation, GRANTEE, do hereby grant, bargain, sell and convey unto the said GRANTEE, and unto its successors and assigns forever the following land lying in Miller County, Arkansas:

A tract of land in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE 1/4 NW 1/4 NE 1/4) of Section Twenty-nine (29), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, more particularly described as follows:

BEGINNING at an iron stake 680 feet North of the Southeast corner of the NW 1/4 NE 1/4 of Section Twenty-nine (29), Township Fifteen (15) South, Range Twenty-eight (28) West;

THENCE South 89° 30' West, with North boundary line of Marietta Street, 330 feet to an



iron stake in fence line;

THENCE North, with said fence line 290.0 feet to an iron stake;

THENCE North 89° 30' East 104.5 feet to an iron stake;

THENCE South 145.0 feet to an iron stake;

THENCE North 89° 30' East, 225.5 feet to an iron stake;

THENCE South 145.0 feet to the POINT OF BEGINNING and containing 1.45 acres, more or less;

SAVE AND EXCEPT a 15 foot strip along the East boundary of the above mentioned tract deeded to the City of Texarkana, Arkansas by Warranty Deed recorded in Deed Volume 199, Page 265, Records of Miller County, Arkansas;

AND ALSO

Lots Numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) in Block Numbered One (1) of CUCKLER'S 3RD ADDITION to the City of Texarkana, Miller County, Arkansas.

SUBJECT TO:

1. All oil, gas and other minerals of every kind and character and any rights accruing to others by reason of reservations, grants, sales, conveyances and leases thereof.
2. Any valid right-of-ways and/or easements as shown on recorded plat of said subdivision.
3. Rights and claims of tenants in possession of any or all of the subject property.
4. Any and all leases affecting subject property
5. Such rights as may be vested in the public for road right-of-way.
6. The lien of all taxes and assessments for the year 2012 and subsequent years.

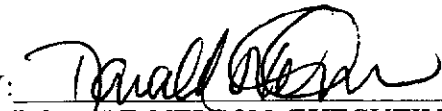
TO HAVE AND TO HOLD the same unto the GRANTEE, and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And Grantor hereby covenants with said GRANTEE, its successors and assigns, that it will forever warrant and defend the title to the said lands against all claims whatever, save and except the title to all or part of the mineral estate that may be subject to outstanding oil, gas and other mineral interests, and to reservations, exceptions, grants, sales, conveyances and leases thereof, and if so, there is no warranty against any such matters.

Executed this 5th day of November, 2012.

SOUTHWEST ARKANSAS
DEVELOPMENT COUNCIL, INC.

BY:



DONALD NELSON, EXECUTIVE
DIRECTOR

Grantee's Address:

2608 Walter Street
Texarkana AR 71854

(I, we) certify under penalty of false swearing that at least the legally correct amount of documentary stamps has been placed on this instrument.

Southwest Title Company

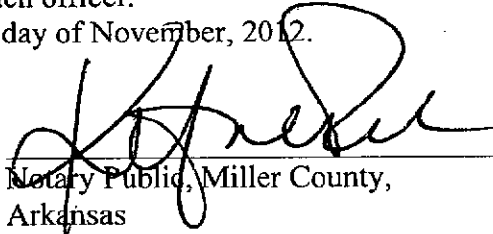
By: 

GRANTEE(S)

STATE OF ARKANSAS)
)
COUNTY OF MILLER)

On this day, before me personally appeared DONALD NELSON, to me well known, who acknowledged that he was the EXECUTIVE DIRECTOR of SOUTHWEST ARKANSAS DEVELOPMENT COUNCIL, INC., and that he, as such officer being authorized so to do, had executed the foregoing instrument for the purposes and consideration therein mentioned, by signing the name of the corporation by himself as such officer.

WITNESS my hand and official seal this 5th day of November, 2012.


Notary Public, Miller County,
Arkansas

Printed Name:
My Commission Expires:

(SEAL)

Krystal Richardson
Notary Public
State of Arkansas
Miller County
My Commission Expires
June 01, 2014



ROW petition to vacate a portion of Marietta
Prepared by the Planning Division for reference only

ABANDONMENT PETITION

Right-of-Way (Street, Alley, & Utility Easement)

COME (List names) Walter Street Church of Christ
Johnnie Hamilton and James Washington

Petitioner(s) herein, and for their Petition to secure the vacation of the following (street/alley/utility easement), to-wit (legal description of abandonment):

Ray and Marietta, Texarkana, AR 71854
Undeveloped Marietta Street in the 2400 block range

WHEREAS, Petitioner(s) would respectfully show the Board of Directors of the City of Texarkana, Arkansas the following:

WHEREAS, The above (street/alley/utility easement) has been dedicated by virtue of said property being platted and said plat being filed for record as provided by law in Book 199, page 265, Records of Miller County, Arkansas.

WHEREAS, That the above (street/alley/utility easement) has not been used by the public for a period of five (5) years.

WHEREAS, That the (street/alley/utility easement) which Petitioner(s) seek(s) to vacate is shown on the attached copy of the plat filed in the Office of the County Recorder revealing the relevant portion(s) of said (street/alley/utility easement).

WHEREFORE, PREMISES CONSIDERED, Petitioner(s) pray(s) that the Board of Directors of the City of Texarkana, Arkansas, fix a day for the hearing of this petition, providing for notice of same in accordance with the laws of the State of Arkansas, and after such hearing vacate and abandon said (street/alley/utility easement).

Johnnie Hamilton
James Washington

Petitioner(s)



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone
711 TTY
(903) 791-0724 Fax

MEMORANDUM

To: Mary Beck, City Planner, City of Texarkana, Arkansas
From: Gary L. Smith, P.E., Assistant Director, TWU
Date: February 16, 2021
Re: **ROW Abandonment – Marietta Street**

The Utility staff has reviewed the above referenced request and has the following comments:

1. The Utility has no water or sewer mains in this section of Marietta Street.
2. The Utility does not oppose the abandonment of this section of ROW.

If you should have any questions or require further information, please do not hesitate to contact me. Thank you.

Cc: J. D. Phillips, P.E., Executive Director, TWU
Kenny Icenhower, P.E., Design Engineer, TWU
Bill Moss, GIS Technician, TWU
Teresa Akard, Engineering Technician II, TWU

ARK-Beck, Mary

From: ARK-Beck, Mary
Sent: Friday, February 19, 2021 5:02 PM
To: Brooks, Brandon D
Subject: Re: [External Email] New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

Thank you.

Get [Outlook for iOS](#)

From: Brooks, Brandon D <Brandon.Brooks@centerpointenergy.com>
Sent: Friday, February 19, 2021 4:42:32 PM
To: ARK-Beck, Mary <mbeck@txkusa.org>
Subject: RE: [External Email] New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CenterPoint Energy has no facilities at the location. We are good.



Brandon Brooks
Operations Supervisor | Texarkana/Hope
870.779.6309 w. | 903.824.1304c.
CenterPointEnergy.com



From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Tuesday, February 16, 2021 12:18 PM
To: 'Ross A Sisson' <Ross.A.Sisson@usps.gov>; TWU-Smith, Gary <gsmith@txkusa.org>; TWU-Icenhower, Kenny <Kenny.Icenhower@txkusa.org>; 'rick.syphers@cableone.biz' <rick.syphers@cableone.biz>; Cable One <donald.fuller@cableone.biz>; Engelkes, Linda D <diane.engelkes@centerpointenergy.com>; 'steve.poplin@windstream.com' <steve.poplin@windstream.com>; Brooks, Brandon D <Brandon.Brooks@centerpointenergy.com>; 'Jackson, Chris L' <Chris.Jackson@windstream.com>; 'Moses, Everett' <Everett.Moses@sparklight.biz>; 'Dusty Wiley' <dwwiley@aep.com>; ccbonner@aep.com
Cc: ARK-Richards, Tyler <Tyler.Richards@txkusa.org>; ARK-Maxey, Shawn <shawn.maxey@txkusa.org>; TAFD-Wall, Jim <Jim.Wall@txkusa.org>; 'matthew.greenwood@arkansas.gov' <matthew.greenwood@arkansas.gov>; ARK-Finley, Jamie <jamie.finley@txkusa.org>
Subject: [External Email] New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

ARK-Beck, Mary

From: Cabe C Bonner <ccbonner@aep.com>
Sent: Monday, March 1, 2021 12:51 PM
To: ARK-Beck, Mary
Cc: Dusty Wiley
Subject: RE: New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mary,

SEWPCO does not have any facilities in the ROW.

Thanks

From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Monday, March 1, 2021 9:52 AM
To: rick.syphers@cableone.biz; 'Cable One' <donald.fuller@cableone.biz>; Moses, Everett <Everett.Moses@sparklight.biz>; Dusty Wiley <dwwiley@aep.com>; Cabe C Bonner <ccbonner@aep.com>
Subject: [EXTERNAL] RE: New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

Just checking back on this in case everyone has been busy with the weather challenges. Windstream has indicated a possible conflict on this ROW abandonment request. Do SEWPCO or Sparklight have any issues or have requests for easements?

Subject: New ROW abandonment request - undeveloped section of Marietta Street - intersects Ray Street

Good afternoon,

Hope everyone is safe and warm. Please find attached a map showing the location of a petition to abandon a section of undeveloped Marietta Street on the west side of Ray Street. I think the adjacent building may have been a nursing home at one time but has been purchased by a church. Please advise of any conflicts or easement needs.

Warm regards,
Mary

ARK-Beck, Mary

From: Latham, Michael A <Michael.A.Latham@windstream.com>
Sent: Tuesday, March 2, 2021 9:16 AM
To: ARK-Beck, Mary
Subject: RE: #2 - ROW abandonment request

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Windstream is requesting easement of current ROW to have access to Maintain lines, pole, eqpt, and all other devices related to Windstream/Valor Telcom.

Michael Latham
Network Technician-Operations
903-791-3107 office
903-748-1824 mobile
michael.a.latham@windstream.com



507 Olive St
Texarkana, TX, 75501
windstream.com

Sensitivity: Internal

From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Tuesday, March 2, 2021 8:51 AM
To: Latham, Michael A <Michael.A.Latham@windstream.com>
Cc: Jackson, Chris L <Chris.Jackson@windstream.com>
Subject: RE: #2 - ROW abandonment request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Just for the record, would Windstream request an easement to access and maintain the existing equipment related to the ROW abandonment please.

From: Latham, Michael A <Michael.A.Latham@windstream.com>
Sent: Tuesday, March 2, 2021 8:07 AM
To: ARK-Beck, Mary <mbeck@txkusa.org>
Cc: Jackson, Chris L <Chris.Jackson@windstream.com>
Subject: RE: #2 - ROW abandonment request

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ARK-Beck, Mary

From: ARK-Beck, Mary
Sent: Monday, March 1, 2021 3:45 PM
To: Langley, Joe
Subject: RE: ROW walter street

Thank you. I'll put that in the request.

From: Langley, Joe <Joe.Langley@sparklight.biz>
Sent: Monday, March 1, 2021 3:43 PM
To: ARK-Beck, Mary <mbeck@txkusa.org>
Cc: Moses, Everett <Everett.Moses@sparklight.biz>
Subject: RE: ROW walter street

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, we would need to retain easement there next to the road. That is a main cable feed as well as a fiber feed that feeds a much larger area.

From: ARK-Beck, Mary <mbeck@txkusa.org>
Sent: Monday, March 1, 2021 2:25 PM
To: Langley, Joe <Joe.Langley@sparklight.biz>
Subject: RE: ROW walter street

CAUTION: External source. **THINK BEFORE YOU CLICK!**

Thanks Joe. If the abandonment is approved would you want to retain an easement at that location if it intrudes into the ROW?

From: Langley, Joe <Joe.Langley@sparklight.biz>
Sent: Monday, March 1, 2021 1:52 PM
To: ARK-Beck, Mary <mbeck@txkusa.org>
Subject: ROW walter street

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It does not look like we have any attachments in that ROW. We do have an attachment at the corner entering the ROW. We have a main amp and large trunk line attached at that corner pole, but not through the ROW.

Joe Langley

Construction Coordinator / Sparklight

C: 903-293-6907

F: 903-792-3919

401 Baylor St. Texarkana, TX 75501-3270

joe.langley@sparklight.biz



CITY OF TEXARKANA ARKANSAS

DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Dr. Kenny Haskin

FROM: Mary L. Beck, City Planner

DATE: March 12, 2021

SUBJECT: Board of Directors Agenda item for 04-05-2021 **Vacating right-of-way (ROW)** - Petition by Walter Street Church of Christ, CO Barbara Washington, 6902 Shadowbrook, Texarkana, TX 75503-5444, to vacate the unused, undeveloped portion of Marietta Street that dead ends into an unplatted parcel.

LEGAL DESCRIPTION: A portion of Marietta Street dedicated right-of-way (ROW) located on the north side of Block 1, Lots 1-7, CUCKLOR'S 3RD SUBDIVISION and lies south of Miller County parcel (00336500), that is PT E/2, E/2, NW, NE, Section 19, Township 15S, Range 28W, Texarkana, Miller County, Arkansas. The section of ROW is two hundred ninety-four point seven feet (294.7') long by forty feet (40') wide containing .270 acres more or less.

REASON FOR REQUEST: The Walter Street Church has purchased or otherwise obtained property on either side of the ROW and wishes to join the properties for future development.

EXISTING LAND USES: Site: none
North: vacant building owned by the petitioner
East: developed Marietta Street
South: vacant land owned by the petitioner
West: vacant undeveloped land

EXISTING ZONING: Site: R-2 Single family residential
North: R-2 Single family residential
East: R-2 Single family residential
South: R-2 Single family residential
West: R-2 Single family residential



Explore and Enjoy Our Heritage

www.arkansas.txkusa.org

**COMPATIBILITY
WITH EXISTING
ZONING:**

This ROW is one block south of 9th Street, Hwy 82 and is shown on the long-term comprehensive plan of 1988 as single-family residential on the north side and land for public use on the south side. The neighborhood is older residential homes with smaller lots although the current zoning calls for larger tracts of land. Although Marietta Street could be built over unplatted adjacent land by the property owner of that land in order to connect up with another portion of Marietta to the west, there is no indication this is to be expected in the near or even long term. There is no indication there would be any discernable impact of vacating this undeveloped street except a positive outcome of freeing up property for use by the adjacent owners.

UTILITIES & TRANSPORTATION NETWORK:

Responses from utility companies when asked if they objected to the abandonment request or requested an easement indicate no objections to abandonment and easements of 15' requested from the center of existing Windstream poles and lines; and, Sparklight equipment on the corner of Ray Street:

TWU – Gary L. Smith, February 16, 2021:

*“1) The utility has no water or sewer lines in this section of Marietta Street.
2) The utility does not oppose abandonment of this section of ROW.”*

Centerpoint Energy – Brandon D. Brooks, February 19, 2021:

“Centerpoint Energy has no facilities at the location. We are good (with the abandonment).”

AEP Swepco – Cabe C. Bonner, March 1, 2021:

“SWEPCO has no facilities in the ROW.”

Windstream – Michael A. Latham, February 22, 2021:

“Windstream is requesting easement of the current ROW to have access to Maintain lines, poles, eqpt, and all other devices related to Windstream/Valor Telcom.”

Cableone/Sparklight – Joe Langley, March 1, 2021: *“...we would need to maintain an easement next to the road (Ray Street). That is a main cable feed as well as a fiber feed that feeds a much larger area”.*

Summary: *An easement for fifteen foot to allow access to the existing poles and equipment in the Right of Way and on Ray Street is requested by Windstream and Cableone respectively.*

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(1) (A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances of and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, February 21, 2021 edition of the *Texarkana Gazette*.

ROW abandonments do not require additional notification as all adjacent property owners are petitioners.

OPPOSITION: None.

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on March 9, 2021 and certified approval on a motion to approve by Mr. Thomas and a second, by Mr. Dupree with a roll call voted of 5-0 with no opposition and two absent.

Adger Smith, Chairman	Yes
Anderson Neal, Vice-chairman	Absent
George Coker	Yes
Bertha Dunn	Yes
Jason Dupree	Yes
Randall Hickerson	Absent
Boots Thomas	Yes

ACTION REQUESTED BY CITY BOARD OF DIRECTORS:

The City Board is requested to:
Set a date for a hearing on April 5 2021.

Hold a public hearing on April 19, 2021 to consider adopting an ordinance to abandon the right-of-way.

The *Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt an Ordinance to waive competitive bidding and authorize the Interim City Manager to enter into a lease and incur setup, configuration, installation and training costs of case management software for the Miller County District Court, Texarkana Division. (ARC) Judge Thomas Potter

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

AGENDA DATE: April 19, 2021

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: District Court

PREPARED BY: Thomas A. Potter, District Judge

REQUEST: Purchase the Virtual Justice program

EMERGENCY CLAUSE: Yes

SUMMARY: As a result of the “ransomware” attack, the District Court has been without a case management system since December 2020. Although our current vendor, Tyler Technologies, has reinstalled its system, it is unable to provide direct, hands-on training to court staff until sometime after June 2020. This is due to a company implemented travel ban. This direct, hands-on training is absolutely necessary since Tyler Technologies came to Texarkana some years ago and trained our staff and converted our old data from our former system during non-court hours. Attempts at working through the re-installation process by telephone have proved to be unsuccessful and frustrating.

The Virtual Justice program provided by MSI Consulting Group, LLC is a system designed specifically for Arkansas courts and is used by all other departments of the 37th District Court: Miller County, Lafayette County, Lewisville, Stamps, and Bradley. It is utilized by over 180 Arkansas courts and is fully compliant with the requirements of the Arkansas Administrative Office of the Courts.

At present, the Texarkana Department is creating dockets by hand, much like it did prior to the advent of computers. Since the Tyler Technologies system generated court documents for staff, warrants, petitions, orders, and other necessary documents have been generated

through the use of fillable PDF forms created by court staff since the end of January. While the ingenuity and creativity of the court staff is commendable, there are gaps through which cases, fines and fees will be lost. These gaps will be closed through a computerized court management system.

The Virtual Justice system was used by the Texarkana District Court before it converted over to Tyler Technologies "Incode" system. As such, the court staff is already familiar with the workings of Virtual Justice. With all other clerks and deputy clerks in the 37th District using Virtual Justice, there will obviously be a bank of knowledge for the Texarkana Department to call upon as needed.

EXPENSE REQUIRED: See attached proposal

AMOUNT BUDGETED:

APPROPRIATION	System Setup, Configuration and Installation:	\$7,800.00
REQUIRED:	Training (40 Hours @ \$75.00/Hour):	\$ 3,000.00
	(One Time Fee + Tax)	\$10,800.00

Plus

Monthly Software Lease and Updates: \$1,050.00 + Tax

**RECOMMENDED
ACTION:**

EXHIBITS: Proposal of MSI Consulting Group, LLC.

ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE BIDDING; AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LEASE AND INCUR SETUP, CONFIGURATION, INSTALLATION AND TRAINING COSTS OF CASE MANAGEMENT SOFTWARE FOR THE MILLER COUNTY DISTRICT COURT, TEXARKANA DIVISION; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Miller County District Court, Texarkana Division, has been without case management software since December, 2020, following the ransomware attacks undertaken by third parties upon the city; and

WHEREAS, the current software vendor, Tyler Technologies, reinstalled the existing system following the attack, but, due to company travel restrictions, cannot provide the hands-on training required by court personnel until after June 2021; and

WHEREAS, without case management software, Court personnel must prepare dockets by hand; and

WHEREAS, MSI Consulting Group, LLC (“MSI”), is a software provider offering a case management system designed specifically for Arkansas Courts and is currently the system being used by all other divisions of the 37th District Court (encompassing the remainder of Miller County, all of Lafayette County, and all municipalities having separate courts contained therein); and

WHEREAS, case management software is highly specialized and vary by provider, use, function, capabilities, user requirements, user capabilities and any number of other factors that make it extremely impracticable to compare competing prospective systems or utilize competitive bidding for acquisition; and

WHEREAS, pursuant to Ark. Code Ann. §14-47-138, the Board of Directors may waive the requirements of competitive bidding in exceptional situations where competitive bidding is not feasible; and

WHEREAS, Section 2-72 of the *City of Texarkana, Arkansas, Code of Ordinances* Sec. 2-72, recognizes that, “in situations involving highly specialized equipment or professional services . . . , publicly advertised requests for bids may not be practical[,]” and provides that, “[i]n these cases, proposals may be requested from selected firms specializing in the particular good or service[;]” and

WHEREAS, MSI Consulting Group, LLC, provides Arkansas-court specific software, with which the Texarkana Division Court staff is familiar, and, thus, the unique software offered by MSI best meet the specific needs of the City; and

WHEREAS, MSI offers an access option pursuant to which the software can be lease at a cost of \$1,050.00 per month, plus a one-time initial system setup, configuration, installation and training fee of \$10,800.00; and

WHEREAS, for the reasons set out above, it is not feasible or practicable to engage in competitive bidding and, moreover, MSI effectively constitutes the sole source (as an alternate to the current provider) of the unique software selected to meet the City’s specific needs;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas that:

Section 1. Any competitive bidding practices that may be otherwise required by applicable law and ordinance are waived and the Interim City Manager is authorized to enter into any agreement reasonably necessary to carry out the lease of the MSI case management software for use by the Miller County District Court, Texarkana Division, with associated setup, configuration, installation and training, on the terms and conditions set out above.

Section 2. This action being necessary for the preservation of the public peace, health and safety (including, without limitation, the need to immediately begin the process of installation, conversion and training in order to minimize continuing absence of

electronic case management capabilities), and a separate and distinct vote having been taken on this emergency clause, an emergency is therefore declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 19th day of April, 2021.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

George Matteson, City Attorney



MSI Consulting Group, LLC

2120 S. Waldron, Suite B-1 • Fort Smith, Arkansas 72903 • (479) 452-0560 • Fax: (479) 452-0638 • www.msicg.com

April 12, 2021

Judge Tommy Potter
Texarkana Arkansas District Court
100 N. Stateline Avenue, Box #2
Texarkana, TX 75501

Dear Judge Potter,

Please accept this proposal for our comprehensive case management system - **Virtual Justice®**.

Virtual Justice® is a comprehensive case management system that combines the latest technology with over 80 years of combined experience in court case management system design and development. This product was first installed in February of 2002 and is currently being used in over 180 courts in the state of Arkansas. With the arrival of **VJ**, MSI will continue its vision and supremacy in court innovation by leading the world into a new era of court technology.

MSI can provide software for your existing computer hardware or we can provide assistance in selecting new computer hardware to meet your needs. Our network administrator will be in contact with your local network administrator to verify the size and compatibility of the equipment and operating system that will be needed to allow our software to be installed.

We are very excited about our innovative pricing structure, giving our customers the option of purchasing or leasing the software. It is our experience that it's easier for most courts to handle a moderate initial fee, with an affordable monthly lease payment, rather than allocate a large amount to purchase the software. Also, our lease option fully complies with state laws concerning lease agreements with city and county governments.

Also, with the passage of Act 1809 of 2001, money has been earmarked specifically for local court automation, thus allowing your new court software to be paid for by these increased special fees.

This proposal details the prices of both the purchase and lease options. The prices include the software (purchased or leased) installation, system setup, configuration, and training, but do not include sales tax.

In addition, a high speed internet connection, or some alternative remote access method, will be required to allow for remote software support from the MSI offices as needed.

If you are replacing another computerized court software product, data file conversion is always an issue. The process of converting the data files from your existing software product over to **VJ** can be complicated and must be evaluated to determine if conversion is possible. The price for any data conversion will be quoted separately after evaluating your current software.

Judge Tommy Potter
Texarkana Arkansas District Court
April 12, 2021
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PROPOSAL: TEXARKANA ARKANSAS DISTRICT COURT
15 - USER SYSTEM (INCLUDING CIVIL MODULE)

PURCHASE OPTION - Both Criminal & Civil Modules

Virtual Justice [®] System Setup, Configuration & Installation:	\$95,000.00
Training (40 Hours @ \$75.00 / Hour):	<u>\$ 3,000.00</u>
Total:	\$98,000.00 (One Time Fee + Tax)

Plus

Monthly Software Technical Support & Updates Payment: \$ 300.00 (Monthly Fee)

OR

LEASE OPTION - Both Criminal & Civil Modules

Virtual Justice [®] System Setup, Configuration & Installation:	\$ 7,800.00
Training (40 Hours @ \$75.00 / Hour):	<u>\$ 3,000.00</u>
Total:	\$10,800.00 (One Time Fee + Tax)

Plus

Monthly Software Lease & Updates Payment: \$ 1,050.00 (Monthly Fee + Tax)

(Lease Agreement Is Perpetual For As Long As You Use The Software, But Can Be Terminated By Giving 60 Days Prior Written Notice)

We hope you join the **VJ** team very soon! Add **Texarkana Arkansas District Court** to our large family of satisfied court customers and start receiving the outstanding benefits of the **#1 Choice** in court technology software in Arkansas - **Virtual Justice[®] !!**

Please contact us at (479) 452-0560, or e-mail at bryan.smith@msicg.com if you have any questions.

Sincerely,



Bryan D. Smith
Vice President