

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING STREETS, ALLEYS, SIDEWALKS AND DRAINAGE INFRASTRUCTURE WITHIN NORTHBROOK SUBDIVISION PHASE ONE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the owner and developer of Northbrook Subdivision Phase One has requested that the City of North Little Rock accept the dedication of the public streets, alleys, sidewalks and drainage infrastructure within the development located off West Maryland Avenue, and to assume responsibility for their maintenance (see letter attached hereto as Exhibit "A"); and

WHEREAS, the said roadways and related improvements have been completed according to plans and specifications, duly approved by the North Little Rock City Engineer (see Exhibit "B" attached hereto), and a maintenance bond in the amount of \$240,477.23 has been provided to the City (see Exhibit "C" attached hereto).

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

SECTION 1: That the City of North Little Rock, Arkansas hereby accepts the dedication of the public streets, alleys, sidewalks and drainage infrastructure within Northbrook Subdivision Phase One located off Maryland Avenue in the City of North Little Rock, Pulaski County, Arkansas, more particularly described on maps attached hereto as Exhibits "D" and "E" and incorporated herein by reference.

SECTION 2: That a certified copy of this Ordinance shall be filed in the Office of the Pulaski County Recorder and recorded in the Deed Records of Pulaski County.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That it is hereby found and determined that the acceptance of the above-mentioned roadways and drainage infrastructure in Northbrook Subdivision Phase One is immediately necessary to insure the proper and orderly growth of this land and the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is


hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

SPONSOR:


Alderman Charlie Hight

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

APPROVED:

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:12</u>	A.M.	_____	P.M.
By	<u>City Atty Carter</u>			
DATE	<u>4-21-15</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>J. Marshall</u>			



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD NORTH LITTLE ROCK, AR 72116
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501) 753-4463 FAX (501) 753-6814
AMERICAN CONSULTING ENGINEERS COUNCIL

April 9, 2015

The Honorable Joe A. Smith
North Little Rock, AR 72119

RE: Acceptance of Public Improvements
Northbrook Subdivision Phase One

Dear Mayor Smith,

The owner and developer of Northbrook Subdivision Phase One, I-430-365, LLC., has completed the construction of certain streets, alleys, sidewalks and drainage, all in accordance with the approved plans and specifications.

Enclosed for your file are:

an 8.5" x 11" Project Drawing with legal description

a two year maintenance in the amount of \$240,477.23 (50% of the construction cost).

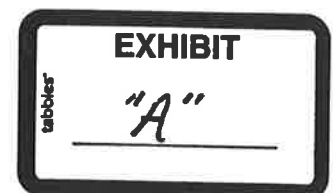
a copy of the City Engineering approval letter.

Alderman Hight has also observed and approved the project.

Please proceed with accepting the improvements.

Sincerely,


Basil D. Shoptaw, P.E.



Engineering Department



500 West 13th Street
North Little Rock, Arkansas 72114

Phone: (501)-371-8345
Fax: (501) 371-8348

January 21, 2015

Basil Shoptaw
Thomas Engineering Company
3810 Lookout Road
North Little Rock, AR 72116

RE: City Engineering Approval
Northbrook Subdivision Plat
North Little Rock, Arkansas

Dear Mr. Shoptaw,

This letter is to confirm that the City Engineering Department has inspected the completed construction of the Northbrook Subdivision project, and that this project has been constructed in accordance with the plans and specifications and meets City guidelines. Please provide the following to the City Planning Department:

1. Cover Letter
2. 8.5" X 11" Project Drawing
3. A 2-year maintenance bond in the amount of \$240,477.23 (50% of the construction cost)
4. Legal Description
5. A phone call or email from one Alderman verifying approval of the completed project

Sincerely,

Michael Klamm, PE

Cc: Shawn Spencer



MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That Harper Construction Company, Inc. of Prattville, Arkansas
as Principal, and EMPLOYERS MUTUAL CASUALTY COMPANY of Des Moines, Iowa as Surety,
are firmly bound unto City of North Little Rock, (hereinafter called Obligee)
in the Penal Sum of **See Below** (\$ 240,477.23) Dollars
lawful money of the United States of America, for the payment of which, well and truly to be made, the
Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and
assigns, jointly and severally, firmly by these presents.

Whereas, the said Principal has completed a certain contract, _____
NorthBrook Subdivision Phase I - North Little Rock, AR

**Bond Amount: Two Hundred Forty Thousand Four Hundred Seventy Seven and 23/100
_____ in conformity with certain specifications; and submits
said contract for acceptance by the Obligee.

Whereas, a further condition of said contract is that the said principal should furnish a bond
of indemnity, guaranteeing to remedy any defects in workmanship or materials that may develop in said
work within a period of Two years from the date of acceptance of the work under said
contract; and

Whereas, the said EMPLOYERS MUTUAL CASUALTY COMPANY of Des Moines, Iowa for
a valuable consideration, has agreed to join with said principal in such bond or guarantee, indemnifying
said Obligee, as aforesaid;

Now, therefore, the Condition of This Obligation is such, that if the said Principal does and
shall, at his own cost and expense, remedy any and all defects that may develop in said work, within the
period of Two years from the date of acceptance of the work under said contract, by reason of
bad workmanship or poor material used in the construction of said work, then this obligation to be null and
void; otherwise to be and remain in full force and virtue in law.

Date of Formal Acceptance of Contract: _____ Signed and delivered this 29th Day of
_____ 20 _____ January _____ 20 15

Bond Approved: _____
_____ 20 _____
Harper Construction Company, Inc.
By: Jimmy Harper Principal
EMPLOYERS MUTUAL CASUALTY COMPANY
By: Sherry L Burgener Surety
Sherry L Burgener Attorney-in-fact





CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

- 1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation
4. Illinois EMCASCO Insurance Company, an Iowa Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation
7. Hamilton Mutual Insurance Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint: STEVEN C. RUSSELL, DAVID F. FEILD, SHERRY L. BURGNER, KAREN J. PAYNE

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute its lawful bonds, undertakings, and other obligatory instruments of a similar nature as follows:

ANY AND ALL BONDS

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

The authority hereby granted shall expire APRIL 1, 2017 unless sooner revoked.

AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at a regularly scheduled meeting of each company duly called and held in 1999:

RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 6th day of OCTOBER, 2014.

Seals



Bruce G. Kelley, Chairman of Companies 2, 3, 4, 5 & 6; President of Company 1; Vice Chairman and CEO of Company 7

Michael Freel, Assistant Vice President

On this 6th day of OCTOBER AD 2014 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Michael Freel, who, being by me duly sworn, did say that they are, and are known to me to be the Chairman, President, Vice Chairman and CEO, and/or Assistant Vice President/Assistant Secretary, respectively, of each of The Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Michael Freel, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of each of the Companies. My Commission Expires October 10, 2016.

Kathy Lynn Loveridge, Notary Public in and for the State of Iowa

CERTIFICATE

I, James D. Clough, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on OCTOBER 6, 2014 on behalf of: STEVEN C. RUSSELL, DAVID F. FEILD, SHERRY L. BURGNER, KAREN J. PAYNE

are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 29th day of January, 2015.

[Signature] Vice President



THOMAS ENGINEERING COMPANY

3610 LOOKOUT ROAD

NORTH LITTLE ROCK, AR. 72116

TEL (501)753-4463

FAX (501)753-8814

**LEGAL DESCRIPTION:**

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 36, Township 3 North Range 12 West, Pulaski County, Arkansas;

more particularly described as;

Starting at the southeast corner of the said Southwest Quarter of the Southwest Quarter;

Thence North $01^{\circ}48'30''$ East along the east line of the said Southwest Quarter of the Southwest Quarter for 40.00 feet to the POINT OF BEGINNING;

Thence North $88^{\circ}47'18''$ West for 1013.72 feet to a point;

Thence along a curve to the right having a radius of 1000.00 feet by a chord bearing North $09^{\circ}19'50''$ East for 355.52 feet to the beginning of a reverse curve to the left having a radius of 1398.48 feet;

Thence along said curve by a chord bearing North $10^{\circ}38'01''$ East for 434.47 feet to a point;

Thence South $87^{\circ}19'58''$ East for 214.69 feet to a point;

Thence South $02^{\circ}47'20''$ West for 8.92 feet to the beginning of a curve to the left having a radius of 25.00 feet;

Thence along said curve by a chord bearing South $41^{\circ}50'15''$ East for 35.20 feet to the end of said curve;

Thence South $86^{\circ}35'08''$ East for 661.88 feet to a point on the east line of the Southwest Quarter of the Southwest Quarter of Section 36;

Thence South $01^{\circ}48'30''$ West along the said east line for 717.08 feet to the Point of Beginning;

Containing 16.36 acres, more or less.

SITE MAP
NORTHBROOK SUBDIVISION

Date: April 1, 2015

Scale: 1" = 200'



tabbles[®]
EXHIBIT
"E"



Date: 4/16/2015

