

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING THE ALLEYWAY BETWEEN BEECH STREET AND SMOTHERS STREET IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 67 of 1885 provides that cities of the first class may vacate and abandon easements not required for municipal purposes; and

WHEREAS, Mr. John Pownall of Thomas Engineering Company, 3810 Lookout Road, North Little Rock, AR 72116, on behalf of Tucker Family, LLC., 1301 East 13th Street, North Little Rock, Arkansas 72114, has requested that the City of North Little Rock abandon an alleyway between Beech Street and Smothers Street in the City of North Little Rock, Pulaski County, Arkansas (*see* Thomas Engineering Company letter attached hereto as Exhibit A); and

WHEREAS, the Tucker Family, LLC., wishes to close the alleyway and to replat the existing lots into one lot; and

WHEREAS, the subject alleyway is not needed for municipal purposes (see letters from the North Little Rock Fire Marshal, the Chief of Police, and the City Engineer attached hereto, collectively, as Exhibit B) and the abandonment is supported by the North Little Rock Planning Department (see Exhibit C attached hereto); and

WHEREAS, there are no objections from utility companies for abandonment of the alleyway except for the preservation of certain easements (see approvals attached hereto, collectively, as Exhibit D); and

WHEREAS, the abandonment request did not go before the Planning Commission for consideration; and

WHEREAS, a legal advertisement of notice of a public hearing to be held April 08, 2019 at 6:00 p.m. has been placed in the newspaper.

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

SECTION 1: That the interests of the City of North Little Rock in an alleyway running between Beech Street and Smothers Street and more particularly described below is hereby vacated and abandoned.

The alley in Block 4, Industrial Addition between Beech Street and Smothers Street of the City of North Little Rock, Pulaski County, Arkansas (see site map and survey attached hereto, collectively, as Exhibit E).

SECTION 2: That any and all existing utility and drainage easements within the property described above shall be unaffected by this Ordinance.

SECTION 3: 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 4: It is hereby found and determined that the herein described alleyway abandonment will promote safety in the area and improve its overall aesthetic appearance, and the immediate passage of this Ordinance is necessary in order 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:

APPROVED:

Mayor Joe A. Smith

SPONSORS:

ATTEST:

Joe A. Smith

Mayor Joe A. Smith

[Signature]

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

[Signature]

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>10:45</u> A.M. _____ P.M.
By <u>City Atty Amy Fields</u>
DATE <u>4-2-19</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>[Signature]</u>



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116

(501) 753-4463

FAX (501) 753-6814

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

March 26, 2019

City of North Little Rock
NLR City Council
300 Main Street
North Little Rock, AR 72119

RE: Alley Closing
Block 4, Industrial Addition

Dear Council Members:


Tucker Family, LLC wishes to close the alley in Block 4, Industrial Addition between Beech Street and the Smothers Street and to replat the property in order to combine it all into one property. Easements for existing utilities will provide on the replat to the satisfaction of the utility companies.

The applicant, Tucker Family, LLC, is the only landowner adjacent to the alley to be closed. Contact information is as follows:

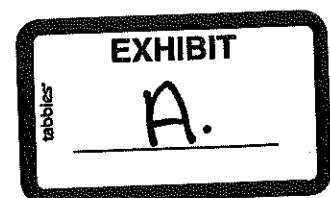
Tucker Family, LLC
1301 E 13th Street
North Little Rock, AR 72114
501-374-9269

If you have any questions, please let me know.

Sincerely,


John R. Pownall, P.E.

JRP/ab



H. W. Tucker Company, Inc.
1301 East 13th Street
North Little Rock, AR 72114
Office (501) 374-9269
Fax (501) 374-9260

This letter is to verify North Little Rock Fire Department's opinion on the abandonment of the alley located directly behind H. W. Tucker company.

- We have no problem closing the alley
- We have no problem abandoning the alley, but want an easement
- We do not support the closing of the alley because _____

X John Pflasterer
J. Pflasterer
Fire Marshal's office





MIKE DAVIS
CHIEF



200 WEST PERSHING BLVD.
NORTH LITTLE ROCK, ARKANSAS 72114-2294

PHONE: (501) 758-1234
FAX NUMBER: (501) 771-7157 (SERVICE)
FAX NUMBER: (501) 771-7194 (CHIEF)

February 12, 2019

North Little Rock Planning Commission

City of North Little Rock

The North Little Rock Police Department has no objections to the closure of the alley behind 1301 East 13th Street.

Chief Mike Davis

Engineering Department



Chris Wilbourn
Chief City Engineer

500 West 13th Street
North Little Rock, Arkansas 72114

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

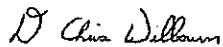
February 11, 2019

To: Mayor and City Council Members

Re: Engineering Review of Public Hearing Case #2019-4
1301 E. 13th Street – To Close an Alley

City Engineering recommends approval of the request to close the alley beginning at the eastern intersection with the N. Beech Street right-of-way and continuing eastward along the entire northern boundary of Parcel ID 33N2260005000 also known as 1301 E. 13th Street.

Sincerely,



Chris Wilbourn, PE
NLR Chief Engineer

Abandonment of Alley behind HW Tucker

From: SSpencer@nlr.ar.gov

To: julie_tuckerconcrete@yahoo.com

Date: Monday, February 25, 2019, 1:44 PM CST

Julie,

The NLR Planning Department does not have any concerns with abandoning the alley behind HW Tucker.

Shawn Spencer
Planning Director
City of NLR

Disclaimer

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ELECTRIC DEPARTMENT



Gregory Woodward
Distribution Design Supervisor

1400 W. Maryland Ave., North Little Rock, AR 72120
P.O. Box 159, North Little Rock, AR 72115-0159

PHONE: (501) 992-4073
CELL: (501) 680-6134
GWoodward@nlr.ar.gov

TO: Ms. Julie Sanders
H.W. Tucker Company Inc.

FROM: Greg Woodward
North Little Rock Electric

DATE: February 11, 2019

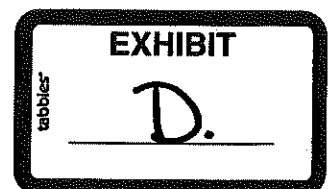
SUBJECT: Abandon Alley – Public Hearing #2019-4

I have received a copy of a map regarding Public Hearing #2019-4 with stated request to close an alley behind 1301 E. 13th Street.

The City of North Little Rock Electric Department has no electrical facilities or any electrical construction plans that would be affected by the closure of this alley. Further we have no need of an easement in this alley.

Please contact me if you need any additional information.

(501) 372-0100
An Equal Opportunity Employer



H. W. Tucker Company, Inc.
1301 East 13th Street
North Little Rock, AR 72114
Office (501) 374-9269
Fax (501) 374-9260

This letter is to verify North Little Rock Wastewater Department's opinion on the abandonment of the alley located directly behind H. W. Tucker company.

- We have no problem closing the alley
- We have no problem abandoning the alley, but want an easement (15' min.)
- We do not support the closing of the alley because _____
- _____
- _____

X Michael [Signature]

H. W. Tucker Company, Inc.
1301 East 13th Street
North Little Rock, AR 72114
Office (501) 374-9269
Fax (501) 374-9260

This letter is to verify Comcast phone service's opinion on the abandonment of the alley located directly behind H. W. Tucker company.

- We have no problem closing the alley
- We have no problem abandoning the alley, but want an easement
- We do not support the closing of the alley because _____

X gusek all

Public Hearing Case # 2019-4

EXHIBIT
E.
tabbles



Public Hearing #2019-4
1301 E. 13th St.
To close an alley.
(HW Tucker)



Ortho Map

1 inch = 50 feet



Date: 2/11/2019

