

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING AND ABANDONING AN ALLEYWAY RUNNING EAST AND WEST BETWEEN N. JOHNSON AND N. ELM STREETS, NORTH OF EAST WASHINGTON AVENUE, 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, Thomas R. Pownall of Thomas Engineering Company, 3810 Lookout Rd., North Little Rock, Arkansas 72116, has requested, on behalf of the owner of property at 1700 E. Washington Avenue, that the City of North Little Rock abandon an alleyway (running east and west) dividing a parcel of property situated between E. Washington Avenue and E. 2<sup>nd</sup> Street on the north and south and N. Elm and N. Johnson Streets on the east and west, in order to expand business operations (see letter with site plan attached hereto, collectively, as Exhibit "A"); and

WHEREAS, the subject alleyway is not needed for municipal purposes (see letter from City Engineer attached hereto 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 or the Fire Marshal to the vacation of the herein described alleyway (see approvals attached hereto, collectively, as Exhibit "D").

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 described below (as shown on the site map attached hereto as Exhibit "A") is hereby vacated and abandoned.

15' alleyway running east/west between Lots 1-6 and Lots 7-12, Block 3, Washington Avenue Subdivision in the City of North Little Rock, Pulaski County, Arkansas. (See map attached hereto 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 allow expansion of an existing business, 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

SPONSOR:

ATTEST:

*Joe A. Smith*  
\_\_\_\_\_  
Mayor Joe A. Smith

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

*C. Jason Carter*  
\_\_\_\_\_  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:35</u> A.M. _____ P.M.
By <u>City Atty Carter</u>
DATE <u>8-16-16</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY <u>H. Thomas</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

August 11, 2016

Joe Smith, Mayor  
City of North Little Rock Aldermen  
P.O. Box 5757  
North Little Rock, AR 72119

RE: Special Use Application  
Alley Abandonment  
1700 E Washington

Dear Mayor & Aldermen:

The owner of 1700 E Washington Avenue is requesting a Special Use for the property in order to expand the business operation. In order to secure materials stored on the site, the property is to be enclosed by a fence as detailed on the included site plan. An alley exists on the property, but in order to fence across this alley, it will need to be closed. We feel this closure will not have an impact on the area. Emails from utility companies stating their approval of the closure are included with this submission.

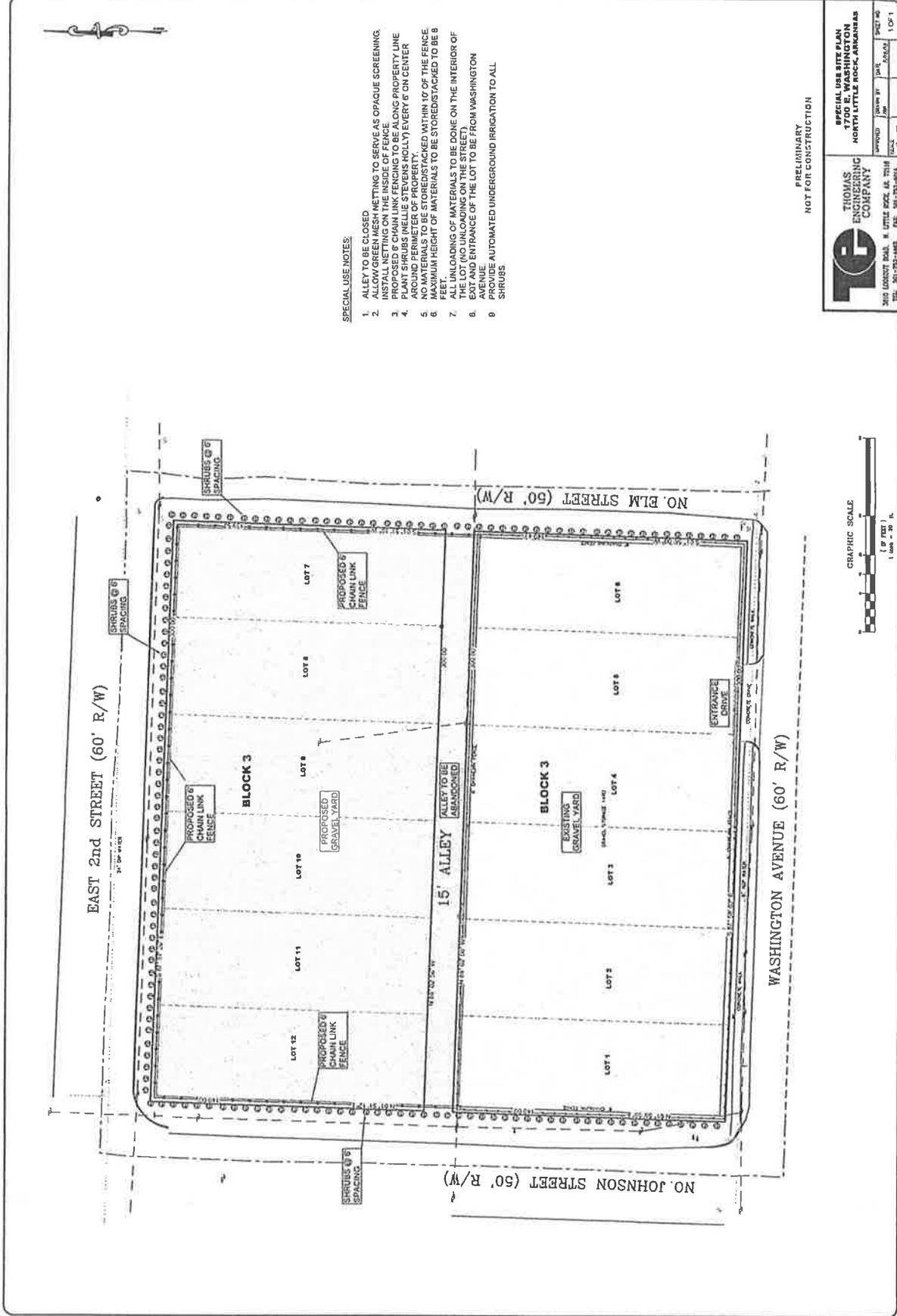
If you have any questions, please give me a call.

Sincerely,

Thomas R. Pownall, P.E.  
Engineer

JRP/ab





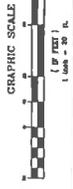
**SPECIAL USE NOTES:**

1. ALLEY TO BE CLOSED
2. ALLOW GREEN MESH NETTING TO SERVE AS OPAQUE SCREENING.
3. INSTALL NETTING ON THE INSIDE OF FENCE
4. PROPOSED 6" CHAIN LINK FENCING TO BE ALONG PROPERTY LINE
5. PLANT SHRUBS (MELLIE STEVENS HOLLY) EVERY 6" ON CENTER
6. MAXIMUM HEIGHT OF MATERIALS TO BE STORED WITHIN 10' OF THE FENCE
7. ALL UNLOADING OF MATERIALS TO BE DONE ON THE INTERIOR OF THE LOT (NO UNLOADING ON THE STREET)
8. EXISTING ENTRANCE OF THE LOT TO BE FROM WASHINGTON AVENUE
9. PROVIDE AUTOMATED UNDERGROUND IRRIGATION TO ALL SHRUBS

PRELIMINARY  
NOT FOR CONSTRUCTION

**THOMAS ENGINEERING COMPANY**  
 SPECIAL USE SITE PLAN  
 3405 GARDNER ROAD, # LITTLE ROCK, AR 72118  
 TEL: 501-752-1444 FAX: 501-752-1441

DATE	SCALE	SHEET NO.
10/11/16	1" = 20' H	1 OF 1



## Engineering Department



Chris Wilbourn  
Chief City Engineer

500 West 13<sup>th</sup> Street  
North Little Rock, Arkansas 72114

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

June 16, 2016

To: Jim Walker

Re: 1700 East Washington

Mr. Walker,

This letter is to confirm that North Little Rock City Engineering Department has no known utilities at the alleyway of the 1700 block at East Washington Street, and therefore has no issues with work being done in this area from City Engineering standpoint. However, based on other utility coordination, it appears that North Little Rock Wastewater Utility has a utility that runs the length of the alleyway, and therefore an easement will most likely be needed by them at the alleyway location. Please coordinate with North Little Rock Wastewater Utility to determine what they will require at that location.

Sincerely,

Michael Klamm, PE  
City Engineer



**Thomas R. Pownall**

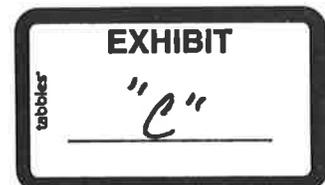
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**From:** SSpencer@nlr.ar.gov  
**Sent:** Tuesday, August 09, 2016 7:45 AM  
**To:** thomas@thomasengineering2000.com  
**Subject:** Alley abandonment - Washington Ave North Little Rock between Johnson and Elm

The Planning Department supports the abandonment of the alley as long as the City retains an utility easement.

Shawn Spencer  
Planning Director

ATTENTION: This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. Any unauthorized use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the City of North Little Rock. You are warned to check this email and any attachments for the presence of viruses. The City of North Little Rock accepts no liability for any damage caused by any virus transmitted by this email.





**Thomas R. Pownall**

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**From:** Clayton, Michael <MClayton@nlrwu.com>  
**Sent:** Wednesday, August 10, 2016 1:48 PM  
**To:** Thomas R. Pownall  
**Cc:** Milum, Jim; SSpencer@nlr.ar.gov  
**Subject:** RE: Alley abandonment - Washington Ave North Little Rock  
**Attachments:** standard sewer easement.rtf

Thomas,

After reviewing the proposal to close the existing alley within the area of Washington Avenue/E. 2<sup>nd</sup> Street at Elm/Johnson Streets, NLRW can support closing the alley by the NLR City Council. Furthermore, there is an existing sanitary sewer line within the limits of the existing alley and a 20' exclusive sanitary sewer easement will need to be executed prior to the adoption of the ordinance by the City Council. Please use the attached form with the proper legal description.

Thanks,

Michael B. Clayton, P.E.

**North Little Rock Wastewater**  
**7400 Baucum Pike**  
**P.O. Box 17898**  
**North Little Rock, Arkansas 72117-0898**  
**(501)945-7186**

**From:** Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]  
**Sent:** Thursday, August 04, 2016 9:28 AM  
**To:** Centerpoint Energy; Greg Woodward; Clayton, Michael; Jason Lowder; North Little Rock PLanning; Chris Wilbourn  
**Cc:** P. E. Thomas R. Pownall  
**Subject:** Alley abandonment - Washington Ave North Little Rock

Gentlemen and Mrs Bates:

Attached below are two pdf drawings of a Site Plan along Washington Avenue in North Little Rock. Part of this plan includes a request to abandon the alley through the center of the block, however, the area abandoned will still be retained as an utility easement. I do not see this being a problem for anyone given all of the lots will have street frontage and the easement will be in place at the alley location.

Please let me know via email return if you approve this abandonment or if you have any questions.

Thank you for you attention to this matter

Thomas R. Pownall, P. E.

**Thomas R. Pownall**

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**From:** Jason Lowder <Jason.Lowder@carkw.com>  
**Sent:** Monday, August 08, 2016 8:54 AM  
**To:** Thomas R. Pownall  
**Subject:** RE: Alley abandonment - Washington Ave North Little Rock

Central Arkansas Water approves with no comments.

Thank You

Jason Lowder, Engineering Technician  
[jason.lowder@carkw.com](mailto:jason.lowder@carkw.com)  
501-377-1245



**From:** Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]  
**Sent:** Thursday, August 04, 2016 9:28 AM  
**To:** Centerpoint Energy; Greg Woodward; Michael Clayton; Jason Lowder; North Little Rock PLanning; Chris Wilbourn  
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Thank you for you attention to this matter

Thomas R. Pownall, P. E.

## Thomas R. Pownall

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**From:** GWoodward@nlr.ar.gov  
**Sent:** Thursday, August 04, 2016 10:12 AM  
**To:** thomas@thomasengineering2000.com  
**Subject:** RE: Alley abandonment - Washington Ave North Little Rock

Thomas,  
We have no problem with it.

Thanks,  
Greg Woodward

Distribution Design Supervisor  
City of North Little Rock Electric Department  
1400 West Maryland  
North Little Rock, AR 72120  
[gwoodward@northlittlerock.ar.gov](mailto:gwoodward@northlittlerock.ar.gov)  
Office: (501)992-4073  
Fax: (501)992-4166

**From:** Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]  
**Sent:** Thursday, August 04, 2016 9:29 AM  
**To:** Centerpoint Energy <[joni.bates@centerpointenergy.com](mailto:joni.bates@centerpointenergy.com)>; Woodward, Gregory <[GWoodward@nlr.ar.gov](mailto:GWoodward@nlr.ar.gov)>; Michael Clayton <[MClayton@nlrwu.com](mailto:MClayton@nlrwu.com)>; Jason Lowder <[Jason.Lowder@arkw.com](mailto:Jason.Lowder@arkw.com)>; Spencer, Shawn <[SSpencer@nlr.ar.gov](mailto:SSpencer@nlr.ar.gov)>; Wilbourn, Chris <[CWilbourn@nlr.ar.gov](mailto:CWilbourn@nlr.ar.gov)>  
**Cc:** P. E. Thomas R. Pownall <[thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)>  
**Subject:** Alley abandonment - Washington Ave North Little Rock

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Please let me know via email return if you approve this abandonment or if you have any questions.

Thank you for you attention to this matter

Thomas R. Pownall, P. E.

## Thomas R. Pownall

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**From:** JPflasterer@nlr.ar.gov  
**Sent:** Thursday, August 04, 2016 10:37 AM  
**To:** thomas@thomasengineering2000.com; FMO@nlr.ar.gov  
**Subject:** RE: Alley abandonment - Washington Ave North Little Rock

Thomas,

The Fire Marshal's Office sees no problem with eliminating the alley in question.

Sincerely,

John Pflasterer  
Fire Marshal  
North Little Rock Fire Department  
501-812-5940  
Firefighters...We still make house calls

**From:** Thomas R. Pownall [<mailto:thomas@thomasengineering2000.com>]  
**Sent:** Thursday, August 04, 2016 9:37 AM  
**To:** FireMarshall'sOffice  
**Subject:** Fwd: Alley abandonment - Washington Ave North Little Rock

Mr. Pflasterer:

Below are the pdf's and explanation of the alley abandonment I discussed with you over the phone.

Thank you for looking at this for me

Thomas R. Pownall, P. E.

Begin forwarded message:

**From:** "Thomas R. Pownall" <[thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)>  
**Date:** August 4, 2016 at 9:27:41 AM CDT  
**To:** Centerpoint Energy <[jeni.bates@centerpointenergy.com](mailto:jeni.bates@centerpointenergy.com)>, Greg Woodward <[gwoodward@nlr.ar.gov](mailto:gwoodward@nlr.ar.gov)>, Michael Clayton <[MClayton@nlrwu.com](mailto:MClayton@nlrwu.com)>, Jason Lowder <[Jason.Lowder@carkw.com](mailto:Jason.Lowder@carkw.com)>, North Little Rock PLanning <[SSpencer@nlr.ar.gov](mailto:SSpencer@nlr.ar.gov)>, Chris Wilbourn <[CWilbourn@nlr.ar.gov](mailto:CWilbourn@nlr.ar.gov)>  
**Cc:** "P. E. Thomas R. Pownall" <[thomas@thomasengineering2000.com](mailto:thomas@thomasengineering2000.com)>  
**Subject:** Alley abandonment - Washington Ave North Little Rock

Gentlemen and Mrs Bates:

Attached below are two pdf drawings of a Site Plan along Washington Avenue in North Little Rock. Part of this plan includes a request to abandon the alley through the center of the block, however, the area abandoned will still be retained as an utility easement. I do not see this being

**Thomas R. Pownall**

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**From:** Bates, Joni B. <joni.bates@centerpointenergy.com>  
**Sent:** Monday, August 08, 2016 2:21 PM  
**To:** thomas@thomasengineering2000.com  
**Subject:** FW: Alley abandonment - Washington Ave North Little Rock



**Joni Bates**  
*Marketing Coordinator*  
CenterPoint Energy  
501-377-4558



**From:** Clark, Samuel T  
**Sent:** Monday, August 08, 2016 12:29 PM  
**To:** Bates, Joni B.  
**Subject:** RE: Alley abandonment - Washington Ave North Little Rock

Joni,

I have reviewed the attached plats and CNP does not operate any mains in the alleyway. Therefore, we do not have any objections to the proposed.

Thank you,

**Sam Clark, EI**  
Engineer II

Southern Gas Operations | Arkansas/Oklahoma Region  
401 W. Capitol Ave, Suite 600 | Little Rock, AR 72201  
Direct: 501-377-4738 | Mobile: 501-680-2095  
samuel.clark@centerpointenergy.com



**From:** Bates, Joni B.  
**Sent:** Thursday, August 04, 2016 10:12 AM  
**To:** Clark, Samuel T  
**Subject:** FW: Alley abandonment - Washington Ave North Little Rock

Sam:

Can you please review this for Thomas with Thomas Engineering.

# Public Hearing Case # 2016-16

EXHIBIT  
"E"



Public Hearing #2016-16  
1700 E Washington Ave.  
To abandon the alley which  
divides Block 3 of the  
Washington Ave. Sub.



Ortho Map

1 inch = 50 feet



Date: 8/10/2016