O-20-67

ORDINANCE NO. ____

AN ORDINANCE VACATING AND ABANDONING THE ALLEYWAY BETWEEN WEST 4th STREET AND ROCKWATER BOULEVARD 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 the property owners, has requested that the City of North Little Rock abandon an alleyway between West 4th Street and Rockwater Boulevard in the City of North Little Rock, Pulaski County, Arkansas (*see* Thomas Engineering Company letter and signatures from the property owners attached collectively hereto as Exhibit A); and

WHEREAS, the property owners wish to close the alleyway in order to provide a gated entrance; 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).

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 West 4th Street and Rockwater Boulevard more particularly described below is hereby vacated and abandoned.

> The alleyway in the Porches at Rockwater between West 4th Street and Rockwater Boulevard 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:

Linda Robinson

Council Member Linda Robinson

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:15 A.M. _____ P.M.

By Amy Fields

DATE 7-21-20

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY

EXHIBIT
tabbies
A

THOMAS ENGINEERING COMPANY
civil engineers land surveyors
3810 LOOKOUT RD NORTH LITTLE ROCK, AR 72116 (501) 753-4463
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

July 13, 2020

Mr. David Cook
City Engineer
North Little Rock Public Works
500 W 13th Street
North Little Rock, Arkansas 72114

RE: Alley Abandonment Request
Riverwalk Townhomes & Porches at Rockwater

Dear Mr. Cook:

Please accept this letter as our request to abandon a portion of the alley located between West 4th Street and Rockwater Boulevard. We wish this item be to be placed on the July 27th, 2020 City Council Agenda.

The southern half of this alley was abandoned in 2017 by Ordinance #8937. In conjunction with that closure, the surrounding owners wish this portion for the alley be closed in order to provide a gated entrance.

The following items are included with this submittal letter:

1. Property Owner Letters
2. Utility Letters
3. Exhibit Maps of Area Abandoned
4. Legal Description

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

Sincerely,

Thomas R. Pownall, P.E.
Vice President

I (we) as the owner(s) of Lot 7, The Porches at Rockwater, have no objection to the abandonment of the alley adjacent to the above mentioned property. It is also acknowledged the area of the alley to be abandoned will be retained as an access and utility easement.

Date: 7/6/2020

Printed Name(s): Phillip A Tygart / Gayle M Tygart

Signature: Phillip A Tygart / Gayle M Tygart

Address: 331 Parker Street

I (we) as the owner(s) of Lot 8 + 11, The Porches at Rockwater, have no objection to the abandonment of the alley adjacent to the above mentioned property. It is also acknowledged the area of the alley to be abandoned will be retained as an access and utility easement.

Date: 7/8/20

Printed Name(s): Ryan Newcomb R Cope Gracy Riverwalk Homes

Signature: R Cope Gracy

Address: 315 + 327 Parker

I (we) as the owner(s) of Lot 9, The Porches at Rockwater, have no objection to the abandonment of the alley adjacent to the above mentioned property. It is also acknowledged the area of the alley to be abandoned will be retained as an access and utility easement.

Date: 7/6/2020

Printed Name(s): Donna Collier

Signature:

Address: 323 Parker St

I (we) as the owner(s) of Lot 10, The Porches at Rockwater, have no objection to the abandonment of the alley adjacent to the above mentioned property. It is also acknowledged the area of the alley to be abandoned will be retained as an access and utility easement.

Date: 07/05/20

Printed Name(s): Branden Schumacher | Madeline Burke

Signature: Branden Schumacher | [illegible]

Address: 319 Parker Street

NORTH LITTLE ROCK FIRE MARSHAL'S OFFICE

2400 N Willow NLR, AR 72114
501-812-5940/5941/5942
Fax 501-812-5944

June 23, 2017

Jim Jackson
North Bluffs Development Corporation
58 Carmel Drive
Little Rock, AR 72212

Re: Porches at Rockwater

Dear Mr. Jackson,

Pursuant to my recent discussion with Shawn Spencer and Danny Bradley, we have agreed to the abandonment of the alley that serves 301 Parker Street. However, the NLR Fire Marshal's Office stands by our requirement that the driveway shall be at least 18 feet wide and support the weight of 75,000 pounds per the 2012 Arkansas Fire Code. This driveway is considered an apparatus access road per the fire code and should meet those requirements.

The safety of our citizens is paramount. All of the homes in this subdivision shall be accessible by all emergency vehicles. Prior planning is important so that issues do not arise later. Please contact this office concerning the planned gate on the east end of the proposed driveway and/or any other anticipated changes.

Thank you for staying in touch and keeping us apprised on the progress of the project. Good luck in your future endeavors.

Sincerely,

John Pflasterer
Fire Marshal/Battalion Chief
North Little Rock Fire Department

JRP:psb

EXHIBIT
"B"

MIKE DAVIS
CHIEF

POLICE DEPARTMENT

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)

July 3, 2017

Mr. Jim Jackson
North Bluffs Development Corp
58 Carmel Drive
Little Rock, AR 72212

RE: Abandonment of Alley

Dear Mr. Jackson:

This letter is to advise that the North Little Rock Police Department has no objection to the abandonment of an alley that serves the properties at 301 Parker Street in North Little Rock.

Sincerely,

Mike Davis
Chief of Police

Cc: file
Captain Kovach

afb

Engineering Department
500 West 13th Street
North Little Rock, AR 72114
Phone: (501)-371-8345 Fax: (501) 371-8348

7/16/2020

To: Shawn Spencer

From: David Cook

Re: Alley Abandonment

Mayor Smith and City Council Members,

City of North Little Rock Engineering has no objection to the abandonment of the northern portion of the alley between Rockwater Blvd. and West 4th St., parallel to Parker.

Thanks,

David Cook

The City of
NORTH LITTLE ROCK
OFFICE OF COMMUNITY PLANNING
120 Main St. • North Little Rock, AR 72114-2134
Phone (501) 975-8835 • Fax (501) 975-8837

ROBERT VOYLES
Director

To: Jim Jackson

From: Shawn Spencer

Date: August 1, 2017

Re: Alley abandonment – The Porches of Rockwater

The Planning Department has no objection to the abandonment of the alley between Rockwater Blvd and 4th Street, parallel to Parker. The easements required by NLR Wastewater and NLR Electric need to be retained and shown on the replat.

EXHIBIT
C

EXHIBIT

tabbies

D

ELECTRIC DEPARTMENT

NORTH LITTLE ROCK

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

August 4, 2017

Mr. Jim Jackson
North Bluffs Development Corp.
58 Carmel Drive
Little Rock, AR 72212

RE: Abandonment of Alley

Dear Mr. Jackson:

I am in receipt of your letter requesting a document from the North Little Rock Electric Department regarding an alley at the 300 block of Parker Street in North Little Rock.

The Electric Department currently has a line located in the alley serving the houses in the 300 block of Parker Street, in North Little Rock. At your request, we intend to relocate this secondary line to an area outside the alley, but would like to retain a 10 foot easement along the west property line. If the easement is granted, the Electric Department is in agreement with abandoning the alley. This relocation cost will be borne by the property owner.

Please contact me at 501-992-4073 if you have any questions.

Sincerely,

Gregory Woodward
Distribution Design Supervisor
North Little Rock Electric Department

NORTH LITTLE ROCK WASTEWATER UTILITY

ENGINEERING DEPT

August 1, 2017

Mr. Jim Jackson
700 W. Broadway St. Suite 2
North Little Rock, Arkansas 72114

RE: Alley Abandonment – The Porches of Rockwater

Dear Mr. Jackson:

NLRW has no objection to the abandonment of the alley between 4th and 7th Street, parallel to Parker, provided that the existing easement is retained and no vertical improvements are made within 6' of the existing sanitary sewer main.

If you have any questions regarding these comments, please do not hesitate to contact me by phone (501-945-7186) or by email (SKerby@nlrwu.com). Thank you!

Respectfully,

Scott Kerby, E.I.
North Little Rock Wastewater Utility

7400 BAUCUM PIKE
P.O. BOX 17898
NORTH LITTLE ROCK, AR 72117-0898

PHONE (501) 945-7186
FAX (501) 945-3716

Central Arkansas Water
Essential & Exceptional

July 3, 2017

Jim Jackson
North Bluffs Development Corp.
58 Carmel Drive
Little Rock, AR 72212

RE: ABANDONMENT OF ALLEY
West of Parker St. between W. 4th & Rockwater, North Little Rock

Dear Mr. Jackson,

Central Arkansas Water is aware of a request to close the public alley located west of Parker Street between W. 4th St. and Rockwater Blvd., as shown on the map you provided to us dated June 20, 2017. Central Arkansas Water does not now have any water facilities in this right of way and does not plan to install any facilities inside the area to be closed. Central Arkansas Water does not object to the closure.

CENTRAL ARKANSAS WATER

Jim Ferguson, P.E.
Director of Engineering

Jim Jackson

From: Monroe, Justin K <justin.monroe@centerpointenergy.com>
Sent: Monday, June 26, 2017 4:13 PM
To: Jim Jackson
Cc: Bates, Joni B.
Subject: RE: Rockwater Village update
Attachments: Parker and Rockwater.pdf

Jim,

According to our facilities map (attached) we do not have any facilities within the proposed abandoned alley.

Please let me know if you have any additional questions.

Thanks,

Justin Monroe
Engineer II

Southern Gas Operations | Arkansas/Oklahoma Region
401 W. Capitol Ave, Suite 600 | Little Rock, AR 72201
Direct: 501-377-4737 | Mobile: 501-519-8884
justin.monroe@centerpointenergy.com

CenterPoint Energy

From: Bates, Joni B.
Sent: Monday, June 26, 2017 2:44 PM
To: Monroe, Justin K
Cc: Jim Jackson (jim@jimjacksonatty.com)
Subject: FW: Rockwater Village update
Importance: High

Justin:

Can you please review this and reply to Mr. Jackson.

Thank you,

Joni Bates

From: Jim Jackson [mailto:jim@jimjacksonatty.com]
Sent: Tuesday, June 20, 2017 2:20 PM
To: John Curtis Gurley (JG0866@ATT.Com); Bates, Joni B.
Cc: lisaferrell@sbcglobal.net
Subject: RE: Rockwater Village update

Joni and John;
We are starting the next phase of Rockwater and need your permission to abandon an alley.
Please find attached a PDF containing a map of the Alley to be abandoned.
I do not believe that either of you have any utilities in this alley.

Jim Jackson

From: SOMMERFELDT PALMER, LYNDA E <ls7770@att.com>
Sent: Friday, July 7, 2017 1:19 PM
To: Jim Jackson
Subject: RE: North Buffs Development Corp

Your engineer will need to have his surveyor call in locates if he wants a specific location. If you will send me a drawing indicating the area you are interested in, I can ask the engineer to give you the general area but it will not be exact.

Lynda Palmer
Mgr.-OSP Planning & Engineering Design
Right-of-Way and Joint Use Poles
AT&T Arkansas
1111 West Capitol, Room 941
Little Rock, AR 72201
Phone: 501-373-5255
Fax: 501-373-0229
lynda.palmer@att.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION AND/OR ATTORNEY WORK PRODUCT. THIS EMAIL IS INTENDED SOLELY FOR THE NAMED ADDRESSEE. IF YOU ARE NOT THE NAMED ADDRESSEE, PLEASE ERASE THIS EMAIL AND NOTIFY THE SENDER IMMEDIATELY.

From: Jim Jackson [mailto:jim@jimjacksonatty.com]
Sent: Friday, July 07, 2017 11:29 AM
To: SOMMERFELDT PALMER, LYNDA E <ls7770@att.com>
Subject: Re: North Buffs Development Corp

Lynda;
We would like to know where the current phone line is located in the alley.
We know where the sewer line is located.
Is that something you have available?
Thank you
Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

On Jul 6, 2017, at 7:23 AM, SOMMERFELDT PALMER, LYNDA E <ls7770@att.com> wrote:

> Mr. Jackson:
>
> AT&T has a buried cable in the alleyway. We have no easement, and rely on the use of the City's ROW as per our franchise agreement.

We would be willing to relinquish our interest in this area if your engineer will dedicate 10' easement for our facilities on his plat. His surveyor can call in locates and give a meets and bounds description for the plat, or if he prefers, a "5' on either side, as placed" blanket easement. Either one is fine.

Or, if you prefer, we can talk to you about moving the facilities (a reimbursable job).

Thanks,

Lynda

Lynda Palmer
Mgr.-OSP Planning & Engineering Design
Right-of-Way and Joint Use Poles
AT&T Arkansas
1111 West Capitol, Room 941
Little Rock, AR 72201
Phone: 501-373-5255
Fax: 501-373-0229
lynda.palmer@att.com

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<Pickering North Bluffs Development 062217.pdf>

JRVEYING ACCURACY

tify that this plat correctly represents a boundary survey made or verified g requirements of the State of Arkansas and City of North Little Rock Zoning gulations have been complied with and filed for record as required.

Kirt L. Sledge
Registered Professional Land
Surveyor No. 1665, Arkansas

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
No. 1665
KIRT SLEDGE

NGINEERING ACCURACY

eby certify that this plat correctly represents a plat made by me, g requirements of the North Little Rock Zoning Ordinance Rules and ompliied with.

Maneesh Krishnan
Registered Professional Engineer
Engineer #15912, Arkansas

LAT APPROVAL

North Little Rock Zoning Ordinance Rules and Regulations relative to the al to a final plat having been fulfilled, approval of this plat is hereby ner provisions of said rules and regulations. This certificate shall expire

North Little Rock Planning
Commission

ners of the real estate shown and described herein, do hereby certify that we d subdivided, and do hereby lay off, plat and subdivide said real estate in t.

JAMES R. JACKSON
Printed Name:

OWNER
Title:

DIVISION 1.12 ACRES±.

O PART OF THIS SITE IS WITHIN A 100 YEAR SPECIAL FLOOD HAZARD AREA AL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP RTH LITTLE ROCK, PULASKI COUNTY: BER 050182 0343 D, DATED JULY 6, 2015.

AS TO THE EXISTENCE, CORRECTNESS, OR LOCATION, EXCEPT WHERE SHOWN, NER MONUMENT.

14-17 ARE ZONED PUD (PLAN UNIT DEVELOPMENT).

UCTURE SHALL NOT EXCEED 35 FEET.

ES FOR THIS PROJECT ARE ARKANSAS STATE PLANE NORTH ZONE BASED ON AND ELEVATIONS ARE BASED ON ASSUMED GPS CONTROL.

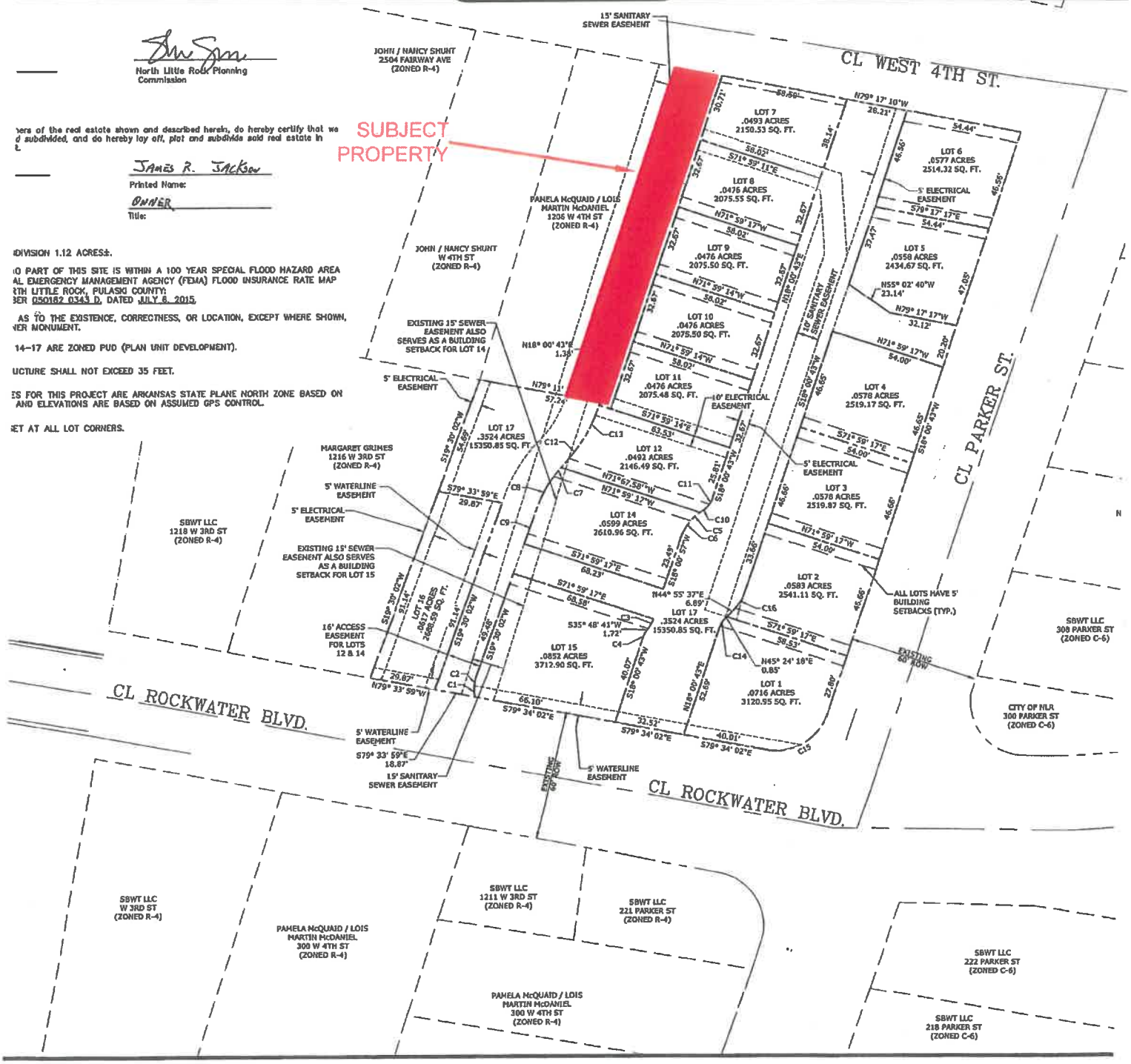
ET AT ALL LOT CORNERS.

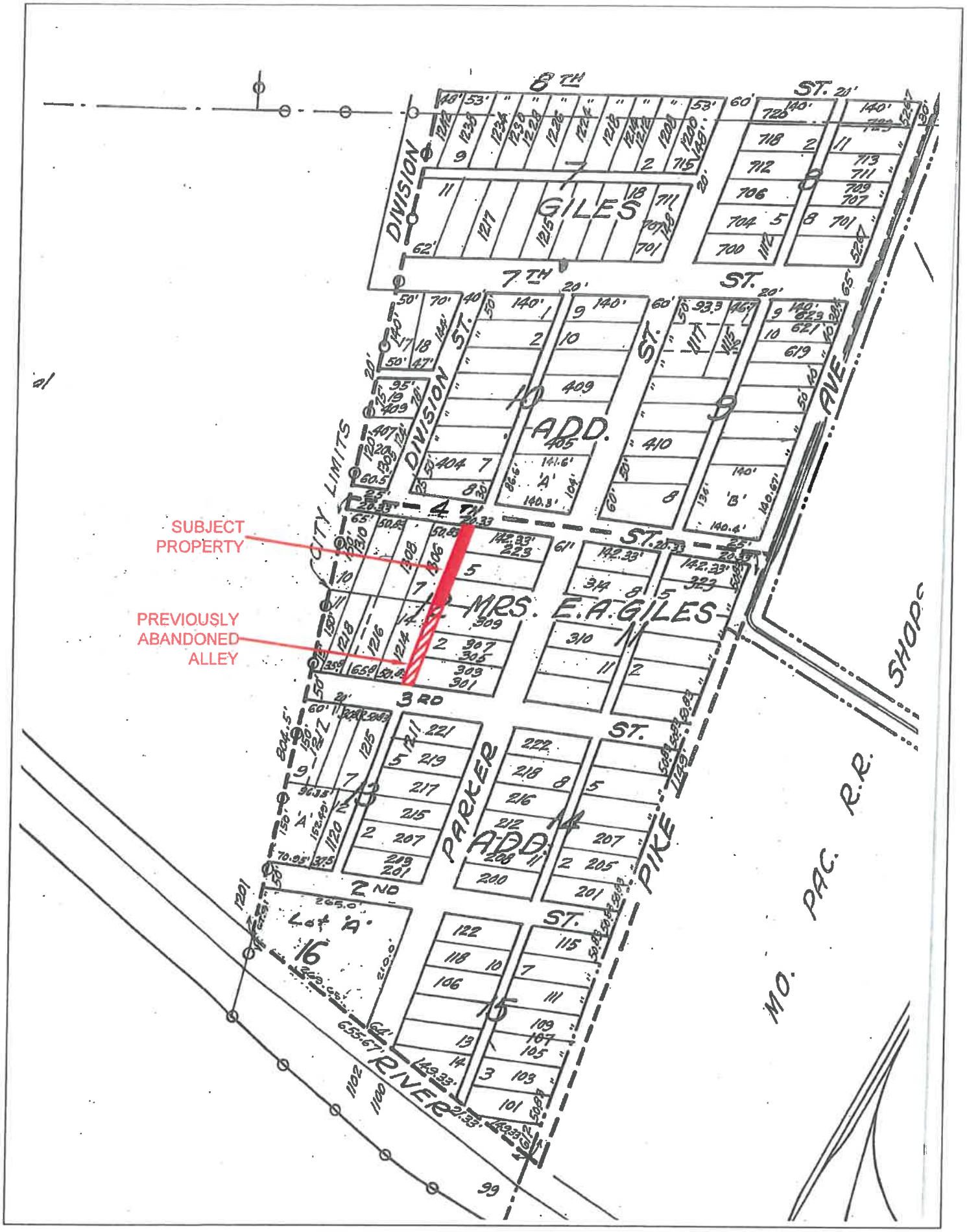
2018015459
PRESENTED 03-13-2018 09:00:31 PM RECORDED 03-13-2018 01:12:56 PM
In Official Records of Larry Crane Circuit/County Clerk
PULASKI CO, AR FEE $15.00

EXHIBIT
E

LEGEND

FOUND SURVEY BOUNDARY MARKER (TYPE AS NOTED)
SET 1/2" X 24" REBAR (UNLESS OTHERWISE NOTED)
PROPERTY LINE
RIGHT OF WAY LINE
BUILDING SETBACK LINE
EASEMENT LINE
LOT LINE




SUBJECT PROPERTY
PREVIOUSLY ABANDONED ALLEY
8TH ST.
7TH ST.
4TH ST.
3RD ST.
2ND ST.
DIVISION
GILES ADD.
MRS. E.A. GILES
PARKER ADD.
CITY LIMITS
AVE
SHOPC
PIKE
RIVER
MO. PAC. R.R.
Lot 'A'