O-22- 63

ORDINANCE NO. _____

AN ORDINANCE APPROVING FEE IN-LIEU OF PLANTING TREES FOR CERTAIN REAL PROPERTY LOCATED AT 3700 PROGRESS STREET IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Keith Smith of Tyson Foods Inc., 3700 Progress Street, North Little Rock, Arkansas 72114, has requested a fee in-lieu of planting trees for certain real property located at 3700 Progress Street (see Tree In-lieu Form attached hereto as Exhibit A); and

WHEREAS, the North Little Rock Tree Board has reviewed the request and recommended that the City approve the payment of the fee; and

WHEREAS, it is in the best interests of the City that the applicant pay the fee in lieu of planting trees in the amount of Two Thousand Four Hundred and 00/100 Dollars ($2,400.00).

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

SECTION 1: That the request for fee in-lieu of planting trees is hereby approved for the subject real property located at 3700 Progress Street. (see map attached hereto as Exhibit B).

SECTION 2: That the fee, in the amount of $2,400.00, shall be paid to the Ward 2 account for fees in-lieu of planting trees.

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 abandonment will not interfere with the continued use of the subject road and electrical easements, 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 Terry C. Hartwick

SPONSOR: ATTEST

Linda Robinson

Council Member Linda Robinson By AT Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:45 A.M. _____ P.M.

By Amy Fields, OA

DATE 9/5/22

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

RECEIVED BY _____

EXHIBIT

A

City of North Little Rock Tree In-lieu of Form

7/1/2022

Address of Request: 3800 E Progress Street, NLR, AR 72114

Business name: Tyson Foods Inc.

Applicant / contact name: Keith Smith

Applicant / contact phone(s): office: 479-498-0408 cell: 479-477-0650

Planning Commission case number: SD PCIS 2022-1 Item was Not heard by Plan Commissi

Number of trees for the in-lieu of request: 6

Items below are to be attached to this application. The Tree Board may request additional documentation after submittal. Check the boxes below on items that are attached.

- ☐ Letter of request stating reason for the in-lieu of request (on letterhead with all contact info).
- ☐ Planning Commission final letter, showing the tree requirements. Item was Not heard by Plan Commission
- ☐ Map(s) showing location of the trees for the in-lieu of request (8.5x11).

Once **ALL** of the above documents have been assembled, the applicant will submit the documents as a group to the Tree Board. Documents can be dropped off at the City Clerk's office (501-975-8617) located at 300 Main Street. Documents can also be emailed to Diane Whitbey (dwhitbey@nlr.ar.gov) in PDF format. If any of the required items are not provided, the application will be returned.

Tree Board's member name: Ian Hope Request located in Ward: 2

Tree Board's recommendation is based on (check all that apply):

- ☐ There are physical improvement present on the property that would prevent reasonable installation.
- ☑ There are other situations unique to the site that make the requirement to plant trees impracticable or unnecessary.

Tree Board's recommendation on paying the in-lieu of fee (circle one): YES NO

Total cost (if approved) to be deposited into the Ward in-lieu of fee account: $ ~~240.00~~ $2,400.00

Tree Board's comments (additional sheets may be attached):

6 Trees x $400.00 per.

$400.00

6/29/2022

Once a recommendation is made, the Tree Board will keep the original paperwork for their files, and send a copy to the applicant, the City Attorney's office, the Planning Department and the 2 Council Members of the Ward the request is located. It is the applicant's responsibility to contact the Council Member (one or both) to request that the application be placed on the City Council agenda. The Council Member will then contact the City Attorney to determine the date of the meeting.