

FILE NO.: G-23-484

NAME: West 19th Street – Right-of-Way Abandonment

LOCATION: Immediately east of Leander Street and north of 1901 Leander Street

APPLICANT:

Nicolas Berjot and Aline Andres
1901 Leander Street
Little Rock, AR 72204

OWNER/AUTHORIZED AGENT:

Nicolas Berjot – Adjacent Owner
Andrew V. Francis – Agent

SURVEYOR/ENGINEER:

Arrow Surveying
550 Edgewood Drive, Suite 592B
Maumelle, AR 72113

AREA: N/A NUMBER OF LOTS: N/A FT. NEW STREET: N/A

WARD: 6 PLANNING DISTRICT: 10 CENSUS TRACT: 24.03

CURRENT ZONING: N/A

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant requests to abandon a portion of the 27 foot wide West 19th Street right-of-way, located between Lot 12, Block 8 and Lot 7, Block 5, Blankenship Addition (immediately north of 1901 Leander Street).

B. EXISTING CONDITIONS:

The right-of-way area proposed for abandonment is currently undeveloped. A garage, driveway and fence for the property at 1901 Leander Street is located in

the right-of-way area. The improvements in the right-of-way were placed there by a previous owner(s), and have been there for over 18 years.

C. NEIGHBORHOOD NOTIFICATIONS:

All neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. No comments.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority: LRWRA has no objection to this abandonment.

Entergy: Entergy has no facilities in this ROW and approves of this ROW abandonment.

Summit Utilities: Summit Utilities does not object to the proposed ROW abandonment.

AT & T: AT&T approves the request to abandon city right-of-way of the undeveloped portion of 19th St. at Leander Dr. in the Blankenship Addition to the City of Little Rock.

Central Arkansas Water: CAW does not have public facilities in the area of the requested abandonment. CAW has no objections to the requested ROW abandonment.

Fire Department:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Parks and Recreation: No comments received.

County Planning: No comments.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: No comments.

H. ANALYSIS:

The applicant requests to abandon a portion of the 27 foot wide West 19th Street right-of-way, located between Lot 12, Block 8 and Lot 7, Block 5, Blankenship Addition (immediately north of 1901 Leander Street). The applicant is requesting abandonment of approximately 140 linear feet of the right-of-way, running east from Leander Street.

The right-of-way area proposed for abandonment is currently undeveloped. A garage, driveway and fence for the property at 1901 Leander Street is located in the right-of-way area. The improvements in the right-of-way were placed there by a previous owner(s), and have been there for over 18 years.

A letter from an abstract company makes the following comment with respect to reversionary clause(s) for the right-of-way to be abandoned:

“The plat does not contain a reversionary rights clause and a search of the records did not disclose any reversionary rights after the filing of the plat.”

None of the public utility companies object to the abandonment request. Additionally, none of the public utility companies request any portion of the right-of-way to be retained as an easement.

There are no Master Street Plan issues, as the area of abandonment is not classified as a collector street or higher.

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department submitted no negative comments to the proposed abandonment request.

Staff does not support the requested right-of-way abandonment. Staff believes that this type of abandonment request should include an entire section of roadway, and not just a portion of it. In this case, staff believes the abandonment request

should be for the West 19th Street right-of-way from Leander Street to the east to Caruth Street (platted/undeveloped), an entire block section of the right-of-way. It is staff's opinion that the east half of the West 19th Street right-of-way between Leander and Caruth Streets should not be left as right-of-way if the remainder of the one (1) block long right-of-way is abandoned. It will serve no real purpose to abandon only half of this block long right-of-way. If the applicant revises the application (with required supporting documentation), staff will support the abandonment request.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested right-of-way abandonment.

PLANNING COMMISSION ACTION:

(APRIL 14, 2022)

Staff informed the Commission that the applicant requested the application be deferred to the May 12, 2022 agenda. Staff supported the deferral request. The item was placed on the consent agenda and deferred to the May 12, 2022 agenda. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

PLANNING COMMISSION ACTION:

(MAY 12, 2022)

Staff informed the Commission that the applicant requested the application be deferred to the June 9, 2022 agenda. Staff supported the deferral request. The item was placed on the consent agenda and deferred to the June 9, 2022 agenda. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

STAFF UPDATE:

The applicant submitted a letter to staff on April 12, 2022 revising the proposed right-of-way abandonment application by providing an easement for a turnaround for the remaining (east) portion of the West 19th Street right-of-way.

The proposed easement for the future hammerhead turnaround will be located on the north side of the remaining (east) portion of the West 19th Street right-of-way on property also owned by the applicants Nicolas Berjot and Aline Andres. The easement for the future turnaround will be 20 feet in width and 50 feet in length and will be located within Lot 5, Block 5, Blankenship Addition.

The proposed easement for a turnaround for the remaining (east) portion of West 19th Street satisfies staff's concern, and staff is now in support of the application.

REVISED STAFF RECOMMENDATION:

Staff recommends approval of the requested West 19th Street right-of-way abandonment. None of the public utility companies request any portion of the right-of-way to be retained as an easement.

PLANNING COMMISSION ACTION:

(JUNE 9, 2022)

Andy Francis was present representing the applicant. There were two (2) objectors present. Staff presented the application with a recommendation of approval.

Aaron Heffington addressed the commission in opposition stating that he owned the property to the southeast of the ROW in question and that abandonment of the ROW will deny him access to the property. He also stated that it is a requirement that all the adjacent landowners provide written consent for a ROW to be abandoned and he was not notified nor gave consent.

Mike Marlar addressed the Commission in opposition of the application. He stated that the closure of the ROW and subsequent closure of 19th street will disable the land owner from access to the property and possible future development.

There was a discussion by the PC regarding the current access options for the property, closure of 19th street, and right of continued use of an abandoned ROW in the future. There was a motion to approve the application as recommended by staff, including all staff comments and conditions. The motion passed by a vote of 10 ayes, 1 nay, and 1 open position. The application was approved.