1	ORDINANCE NO		
2			
3	AN ORDINANCE AUTHORIZING THE RIGHT-OF-WAY		
4	ABANDONMENT OF SOUTH BATTERY STREET LOCATED		
5	BETWEEN LOTS 3-6, BLOCK 4 AND LOTS 7-10, BLOCK 5, UNION		
6	DEPOT ADDITION (G-23-492); AND FOR OTHER PURPOSES.		
7			
8	WHEREAS, TJM Third and Bishop Properties, LLC requests the abandonment of approximately		
9	181 linear feet of the South Battery Street right-of-way located between Lots 3-6, Block 4 and Lots 7-10		
10	Block 5, Union Depot Addition -Heights/Hillcrest Planning District (between West Markham Street and		
11	West 2 nd Street), G-23-492; and,		
12	WHEREAS, all of the properties abutting the proposed area of abandonment are owned by the		
13	same owner, so there is no objection; and,		
14	WHEREAS, none of the public utility companies object to the abandonment request; however, the		
15	abandoned street right-of-way will need to be retained as an easement; and		
16	WHEREAS, Little Rock Water Reclamation Authority will require dedication of a 10 (ten) foot		
17	sewer easement prior to abandonment; and		
18	WHEREAS, Summit Utilities requests that a utility easement be retained at the location of the		
19	abandoned right-of-way to ensure active utilities can remain in service; and		
20	WHEREAS, Central Arkansas Water ("CAW") shows the existing fifteen (15) foot CAW easement		
21	along South Battery Street, Pulaski County Instrument No. 2024048397; and		
22	WHEREAS, sidewalks are required on one side and may require street improvements; and		
23	WHEREAS, as per the Pulaski County Title Company, there are no reversionary rights for the		
24	proposed street right-of-way abandonment; and		
25	WHEREAS, the subject application is adjacent to the Capitol View National Register Historic		
26	District and the applicant will incorporate the proposed abandonment portion of South Battery Street		
27	into adjacent lots that will be incorporated into other adjacent properties for future mixed-use		
28	development; and		
29	WHEREAS, all owners of property abutting the site and all neighborhood associations registered		
30	with the City of Little Rock were notified of the public hearing; and,		
31	WHEREAS, the Planning Commission held a public hearing on December 12, 2024, where		
32	applicants were present and no persons registered in opposition; and,		

- WHEREAS, the Planning Commission voted 8 ayes, 0 nays, and 1 absent to approve the requested right-of-way abandonment subject to the utility easements required by the utility companies; and
- WHEREAS, all proper statutory procedures for such an abandonment have been met and the issue is ripe for consideration by the Board of Directors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

- **Section 1.** The Board of Directors hereby approves the abandonment and closing of the property described as that portion of Lots 3-6, Block 4 and Lots 7-10 Block 5, Union Depot Addition Heights/Hillcrest Planning District (between West Markham Street and West 2nd Street) for the applicant to incorporate the adjacent lots into other adjacent lots and future mixed-use development.
- **Section 2.** The Little Rock Fire Department maintains a fire hydrant and an apparatus access road; therefore, pursuant to the 2021 Arkansas Fire Prevention Code Volume 1, Section D103.1, the apparatus access road must be a minimum width of twenty-six (26) feet.
- **Section 3.** Pursuant to the 2021 Arkansas Fire Prevention Code Volume 1, Section D103.2, the apparatus access road shall not exceed ten percent (10%) in grade except as approved by the fire chief.
- **Section 4.** Pursuant to the 2021 Arkansas Fire Prevention Code Volume 1, Section D102.1, facilities, buildings and portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least Seventy-Five Thousand (75,000) pounds.
- **Section 5.** Pursuant to the 2021 Arkansas Fire Prevention Code Volume 1, Section D103.4, deadend fire apparatus access roads in excess of One Hundred Fifty (150) feet shall be provided with width and turnaround provisions.
- **Section 6.** Pursuant to the 2021 Arkansas Fire Prevention Code Volume 1, Section D103.5, gates securing the fire apparatus access road(s) shall comply with all of the following criteria:
 - (1) Minimum gate width shall be Twenty (20) feet;
 - (2) Gates shall be of swinging or sliding type;

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- (3) Construction of gates shall be of material that allow manual operation by one person;
- 29 (4) Gate components shall be maintained in an operable condition at all times and replace or repaired when defective;
- 31 (5) Electric gates shall be equipped with a means of opening the gate by fire department personnel 32 for emergency access. Emergency opening devices shall be approved by the fire code official;

1	(6) Manual opening gates shall not be locked with a padlock or chain and padlock unless they are			
2	capable of being opened by means of forcible entry tools or when a key box containing the keys to the			
3	lock is installed at the gate location;			
4	(7) Locking device specifications shall be submitted for approval by the fire code official;			
5	(8) Electric gate operators, where provided, shall be listed in accordance with UL 325; and			
6	(9) Gates, intended for automatic operation, shall be designed, constructed and installed to compl			
7	with the requirements of ASTM F 2200.			
8	Section 7. The utility companies shall be provided with a ten (10) foot easement to maintain the			
9	existing facilities.			
10	Section 8. The Fire Department shall be provided an approved apparatus access road(s), grades and			
11	gates as set out in the 2021 Arkansas Fire Prevention Code, Volume 1, Sections D103.1, D103.2			
12	D102.1, D103.4, and D103.5.			
13	Section 9. The property will be closed except for the aforementioned utility easements and Fire			
14	Department approved apparatus access road(s), grades, and grates.			
15	Section 10. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or			
16	word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration o			
17	adjudication shall not affect the remaining portions of the resolution which shall remain in full force and			
18	effect if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the			
19	ordinance.			
20	Section 11. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsisten			
21	with the provisions of this resolution are hereby repealed to the extent of such inconsistency.			
22	ADOPTED: February 18, 2025			
23	ATTEST:	APPROVED:		
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26	Allison Segars, City Clerk	Frank Scott, Jr., Mayor		
27	APPROVED AS TO LEGAL FORM:			
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31	Thomas M. Carpenter, City Attorney			
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