

Name: Alley – Right-of-Way Abandonment

Location: Block 40, Original City of Little Rock

Owner/Applicant: Moses Tucker Real Estate and Central Arkansas Water/Jimmy Moses

Request: The applicant proposes to abandon the north 239 feet of the 20 foot wide alley right-of-way located within Block 40, Original City of Little Rock. The block is bounded by E. Capitol Avenue, E. 6th Street, Rock Street and Cumberland Street.

Purpose: For use as controlled access to a new development.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the public utility companies object to the abandonment request. Several of the utilities request to retain the area of abandonment as a utility easement. The Public Works Comment is as follows:

1. Drainage easements should be maintained in the right-of-way to convey storm water from adjacent property.
2. Show proposed location of call box. A franchise permit is required to be obtained for all private encroachments within the right-of-way.

B. Master Street Plan:

There are no Master Street Plan issues associated with this abandonment request, as none of the rights-of-way is not classified as a collector street or higher.

C. Characteristics of Right-of-Way Terrain:

The alley right-of-way is currently paved its entire length between E. Capitol Avenue and E. 6th Street. Paved parking lots on the east and west sides of the alley right-of-way utilize the alley for access and circulation.

D. Development Potential:

On April 23, 2015 the Planning Commission approved a subdivision site plan review for the entire east half of the block, except the small grocery store building and the apartment building. The approved site plan includes a multiple building apartment development with retail space. It also includes fencing and gating the north 239 feet of the alley right-of-way, for controlled access to the new development.

E. Neighborhood and Land Use Effect:

Two (2) existing buildings (American Legion and apartments) are located within the northeast quarter of the overall block. Paved parking for the buildings is located within the southeast quarter of the block. A Central Arkansas Water office building and Little Rock Police Downtown Patrol sub-station are located within the northwest quarter of the block. Paved parking for Central Arkansas Water is located within the block's southwest quarter. A small grocery store building is also located within the southeast quarter of the block. The surrounding blocks contain a mixture of residential, office and commercial uses, including paved parking lots.

F. Neighborhood Position:

The two (2) abutting property owners have signed off on the abandonment request. The owner of the small grocery store property at the south end of the alley will be notified of the abandonment request. The Downtown and MacArthur Park Neighborhood Associations were notified of the public hearing. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Little Rock Wastewater: No objection to abandonment. Maintain easement ten (10) feet wide, centered on existing sewer main, for length of the alley.

Entergy: No objection to abandonment. Retain entire area as a utility easement and 24 hour access for existing facilities.

Centerpoint Energy: No objection to abandonment. Retain entire area as a utility easement.

AT& T: No objection to abandonment. Maintain ten (10) foot easement, five (5) feet on each side of existing facilities.

Central Arkansas Water: No objection to abandonment. As CAW understands by law, one-half of the alley width becomes attached to the CAW property located on the west side of the alley. As CAW understands by law the property owner to the east will assume the east half of the closed alley portion. CAW has been advised that the property owner to the east plans to fence and gate the closed portion of the alley. CAW must be provided full access to the alley through any installed fences and gates in order to access CAW's building adjacent to the alley. CAW does not need an easement for water utility, but there currently is electric power utility and wastewater utility within the alley serving the CAW building. Utility service and access to the CAW building must be maintained.

H. Reversionary Rights:

The alley right-of-way is located within the Original City of Little Rock. Information submitted by an abstract company notes that there were no reversionary clauses/rights found of record. Based on the fact that the alley right-of-way is within the Original City of Little Rock, the City will retain ownership of the area after abandonment. The applicant must follow the established procedure to purchase the property from the City after abandonment. The applicant has been provided a copy of the procedure.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(APRIL 29, 2015)

Jimmy Moses, Chris Moses and Emily Madden were present, representing the application. Staff briefly described the proposed abandonment, noting that there were no outstanding issues. The proposed abandonment was briefly discussed, with Public Works and Utility Comments noted.

In response to a question from staff, Mr. Moses noted that he is working with Central Arkansas Water on modifying their parking lot as part of the new development for the east half of the block. He explained that there will be a gate at each end of the area of alley to be abandoned with access for fire department, utilities, etc. He noted that there will be a joint use agreement with Central Arkansas Water.

After the discussion, the Committee forwarded the application to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon the north 239 feet of the 20 foot wide alley right-of-way located within Block 40, Original City of Little Rock, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(MAY 21, 2015)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes and 2 absent.