

Name: S. Monroe Street, S. Madison Street, Maryland Avenue and Alley – Rights-of-Way Abandonments

Location: North of West 10th Street, South of I-630 and between Jonesboro Street and S. Madison Street

Owner/Applicant: Various adjacent owners/Joe White, White-Daters and Associates and Dickson Flake, Colliers International

Request: To abandon portions of S. Monroe Street, S. Madison Street, Maryland Avenue and alleys with Blocks 5, 6, 11 and 12, Cunningham’s Addition.

Purpose: Library development

PROPOSAL/REQUEST:

The applicant requests to abandon the following rights-of-way located generally north of West 10th Street, south of Interstate 630 and between Jonesboro Street and S. Madison Street as follows:

- S. Madison Street located between I-630 and fifty (50) feet north of Maryland Avenue (W. 9th Street).
- S. Monroe Street located between I-630 and W. 10th Street.
- Maryland Avenue (W. 9th Street) located between Jonesboro Street and S. Madison Street.
- Unnamed street/alley within Blocks 6 and 11, Cunningham’s Addition.
- Alley rights-of-way within Blocks 5 and 12, Cunningham’s Addition.

The abandonments are requested for the development of a public library and related facilities.

STAFF REVIEW:

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

As noted in paragraph G., of the utility companies who have responded to staff, none have an objection to the abandonments. The utilities request portions of the rights-of-way to be retained as easements. The applicant is requesting that the areas be retained as easements with automatic abandonment of the easement(s) once the

existing lines are relocated with new easements established. This can be taken care of within the abandonment ordinance. A letter has not been received from AT & T. The Commission can proceed in addressing the abandonment issue. The request will not go before the Board of Directors until the letter has been received. The Public Works Department comment is as follows:

1. Drainage easements should be maintained in the right-of-way to convey storm water from adjacent property.

B. Master Street Plan:

The City's Master Street Plan designates these rights-of-way as local streets. Therefore, there are no Master Street Plan issues associated with the abandonment request.

C. Characteristics of Right-of-Way Terrain:

The current conditions of the rights-of-way are as follows:

- S. Madison Street – seventeen (17) feet of pavement with no curb and gutter.
- S. Monroe Street – eleven (11) feet to eighteen (18) feet of pavement with no curb and gutter.
- Maryland Avenue (W. 9th Street) – eighteen (18) feet of pavement with no curb and gutter between S. Madison Street and alley (Blocks 5 and 12). Remainder of right-of-way is undeveloped and grass covered.
- Unnamed street/alley (Blocks 6 and 11) – twenty-five (25) foot wide concrete street with curb and gutter.
- Alley (Blocks 5 and 12) – undeveloped and grass covered.

D. Development Potential:

After abandonment, the area of rights-of-way will be incorporated into the adjacent properties for future development of a public library, with educational and other related uses.

E. Neighborhood and Land Use Effect:

There are currently three (3) occupied single family residences and three (3) vacant houses located along the S. Monroe Street right-of-way. There are two (2) occupied single family residences and three (3) vacant structures along the west side of Madison Street, between W. 10th Street and I-630. The remainder of the adjacent properties are vacant lots.

F. Neighborhood Position:

The War Memorial, Oak Forest, Fair Park, Forest Hills, Hope and University District Neighborhood Associations were notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment application.

G. Effect on Public Services or Utilities:

Wastewater: Little Rock Wastewater has several sewer mains located in the right-of-way of Monroe Street and the alley between Monroe and Madison Streets. Little Rock Wastewater has no objection to the road closure but an easement must be retained for Little Rock Wastewater use anywhere an existing sewer main is located. When the relocation/abandonment of the existing sewer mains is complete, Little Rock Wastewater can relinquish their rights to these areas when a new easement is provided for all relocated lines.

Entergy: Entergy has facilities within much of this right-of-way either serving the existing neighborhood or serving adjacent areas. Entergy does not object to the right-of-way abandonment with the following stipulations:

- Monroe Street – Entergy has an overhead line that not only serves the reference area but also areas south and east of this area. Accordingly we require that the right-of-way be retained as a utility easement. After electric service is no longer needed within the project area, and a contract and payment have been secured for the relocation of this line, and replacement easements provided, Entergy will relinquish rights to this retained easement.
- Alley between Monroe and Madison – This alley must be retained as a utility easement as long as existing residences require electric service. When electric service to all residences served from this alley have been disconnected and are no longer needed, Entergy will remove the idle facilities and will relinquish this retained easement.
- Madison Street – This portion of the street must be retained as a utility easement if the existing street light needs to be kept in service. If not, please have the City send a request to remove the light. In that case no easement will need to be retained.

Centerpoint Energy: Centerpoint Energy does have active facilities located within the proposed right-of-way abandonment as marked on the received drawing. We will continue with relocation design and a cost estimate for reimbursement once we receive notice and details of provided easements.

AT&T (SBC): No comment received.

Water: Central Arkansas Water has no objection to closure of this right-of-way, as described. However, CAW has existing water facilities located within this area and

requires that a 12-inch main located in Maryland Avenue be relocated at the developer's expense to a location acceptable to Central Arkansas Water. There are also several 2-inch mains that run north and south in the rights-of-way being closed; these 2-inch mains can be abandoned.

H. Reversionary Rights:

The applicant submitted a letter from an abstract company noting that no reversionary clauses were found filed of record in the Records of Pulaski County, Arkansas.

I. Public Welfare and Safety Issues:

Abandoning these rights-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: (JULY 16, 2009)

Tim Daters was present, representing the application. Staff briefly described the proposed right-of-way abandonments. Staff noted that a letter addressing the request was needed from AT&T. Staff also noted that additional property owner authorizations were needed.

Mr. Daters explained that the intent was to retain areas as requested by the utilities, with the easements being automatically abandoned after relocation of existing utility lines and new easements being dedicated. This issue was discussed.

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

STAFF RECOMMENDATION:

Staff recommends approval of the requested right-of-way abandonments, subject to the following conditions:

1. The areas of abandonment will be retained as utility and drainage easements as requested by the utility companies and public works.
 2. The utility easements will be automatically abandoned once the existing utility lines are relocated with new easements dedicated.
 3. The abandonment request will not be taken to the City Board of Directors until all utility letters are received.
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PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.