1	ORDINANCE NO		
2			
3	AN ORDINANCE TO APPROVE THE PARTIAL RIGHT-OF-WAY		
4	ABANDONMENT FOR THE EAST FIFTEEN (15) FEET OF THE EIGHTY		
5	(80)-FOOT WIDE POLK STREET RIGHT-OF-WAY, LOCATED		
6	ADJACENT TO 5423 HAWTHORNE ROAD, IN THE CITY OF LITTLE		
7	ROCK, ARKANSAS; AND FOR OTHER PURPOSES.		
8			
9	WHEREAS, the owner of the property located at 5423 Hawthorne Road (southeast corner of Hawthorne		
10	Road and Polk Street) requests abandonment of the east fifteen (15) feet of the Polk Street right-of-way		
11	adjacent to 5423 Hawthorne Road (Lot 7, Block 9, Newton's Addition to the City of Little Rock); and,		
12	WHEREAS, this section of Polk Street was dedicated in 1908 as an eighty (80)-foot wide right-of-way to		
13	accommodate street car service; and,		
14	WHEREAS, the typical residential street right-of-way width is fifty (50) feet; therefore, there is thirty (30)		
15	feet of excess right-of-way; fifteen (15) feet on either side of the roadway; and,		
16	WHEREAS, the current roadway is approximately twenty-one (21) feet wide which complies with the		
17	Fire Code and allows two (2)-way traffic; and,		
18	WHEREAS, the fifteen (15)-foot excess right-of-way adjacent to 5423 Hawthorne Road is currently being		
19	utilized as yard space, including landscaping, a circular driveway and a parking pad; and,		
20	WHEREAS, after abandonment, the fifteen (15)-foot wide area will be incorporated into Lot 7, Block 9,		
21	Newton's Addition, and the applicant plans to construct a new residence on the property and the extra lot width		
22	will allow for the residence with no setback variances;		
23	WHEREAS, the public utility companies have reviewed and approved the abandonment request with no		
24	requests to retain easements; and,		
25	WHEREAS, Entergy Corporation agrees to the abandonment conditioned upon the applicant burying an		
26	existing power line at the applicant's expense, and applicant has agreed to this condition; and,		
27	WHEREAS, all proper Statutory Procedures for such an abandonment have been met and the issue is ripe		
28	for consideration by the Board of Directors.		
29	NOW, THEREFORE, BE IT ORDAINDED BY THE BOARD OF DIRECTORS OF THE CITY		
30	OF LITTLE ROCK, ARKANSAS:		
31	Section 1. After a public hearing concerning the partial abandonment of the east fifteen (15) feet of the		
32	eighty (80)-foot wide Polk Street right-of-way adjacent to 5423 Hawthorne Road, Lot 7, Block 9, Newton's		
33	Addition to the City of Little Rock, with no retention of any easement rights, subject to Entergy's request for		

the applicant to oury an existing power line at applicant s expense, the Board of Directors concluded it was		
appropriate to abandon the easements and covenants.		
Section 2. The abandonment of this easement and covenants will allow the applicant to develop the entire		
property as a single home site.		
Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word		
of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication		
shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the		
portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.		
Section 4. <i>Repealer</i> . All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.		
ATTEST:	APPROVED:	
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Susan Langley, City Clerk	Frank Scott, Jr., Mayor	
APPROVED AS TO LEGAL FORM:		
TI M.C. A. C'A. A.	-	
Thomas M. Carpenter, City Attorney		
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