

Name: Plat and Right-of-Way Abandonments

Location: Generally south of Interstate 440, and east and north of Springer Blvd.

Owner/Applicant: 3M Company/Margaret A Johnston

Request: To abandon existing platted lots and rights-of-way within areas of existing and proposed mining and open space zoning, within The Chamber of Commerce Addition, Granite Park Addition and Frisby Addition.

Purpose: For use as open space buffer areas and stone quarry operations.

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**REQUEST:**

3M Company, property owner/abutting property owner, requests to abandon parts of The Chamber of Commerce Addition, Granite Park Addition and Frisby Addition to include lots and rights-of-way. The general description is as follows:

All lots, streets, alleys, rights-of-way and easements in: (i) the Chamber of Commerce Addition of the City of Little Rock, Pulaski County, Arkansas; (ii) the Granite Park Addition to Little Rock, Pulaski County, Arkansas, not already vacated and lying to the east of westernmost right of way of Alabama Street except for those alleys, streets and easements abutting or traversing Lots 10, 9, 8 and 7 of Block 41, Lots 1, 2, 3, 10, 11 and 12 of Block 30; and Lots 4, 5 and 6 of Block 25, and those streets abutting Lots 6 and 7 of Block 24; and (iii) that part of the Frisby Addition to Little Rock, Pulaski County, Arkansas, not already vacated except for those alleys, streets and easements abutting or traversing Blocks 5, 7 and 8 and all of West Line Street.

The areas are more specifically described as follows:

**Chamber of Commerce Addition:**

The following described property in Section 13, Township 1 North, Range 12 West and Section 18, Township 1 North, Range 11 West and being the property platted as Chamber of Commerce Addition to the City of Little Rock, Pulaski County Arkansas:

1. The NE ¼ of the SE ¼ Section 13, Township 1 North, Range 12 West

2. Part of the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 18, Township 1 North, Range 11 West

The particular streets and alleys being vacated are:

All of the streets, alleys and utility easements included in the plat including but not limited to: 35th Street, Lenwood Avenue, Hollenberg Avenue, Kavanaugh Avenue, Reyburn Avenue, Arnold Avenue and Price Avenue.

**Granite Park Addition:**

The following described property in Section 13, Township 1 North, Range 12 West and being part of the property platted as the Granite Park Addition to Little Rock, Pulaski County, Arkansas:

1. Part of the NW  $\frac{1}{4}$  South of Fourche, Section 13, Township 1 North, Range 12 West
2. Part of the SW  $\frac{1}{4}$  South of Fourche, Section 13, Township 1 North, Range 12 West
3. The West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , Section 13, Township 1 North, Range 12 West

The particular streets and alleys being vacated (to the extent not already vacated) are:

All of Maryland Avenue (also known as Maryland Street), Michigan Avenue (also known as Michigan Street), Pennsylvania Avenue, Ohio Avenue and Kentucky Avenue; all of 34th Street, 35th Street, 36th Street, 37th Street, 39th Street, and 40th Street from the western right-of-way of Alabama Street to the eastern boundary of the plat; all of the alleys and utility easements adjacent to or contained in Blocks 0 to 2, 9 to 16, 23, 24, 26 to 29, 39, 40, 46 to 82; all of 38th Street from the western boundary of Lot 7 of Block 25 to the eastern boundary of the plat; all of 41st Street from the western boundary of Block 48 to the eastern boundary of the plat; all of Tennessee Avenue from the northern boundary of the plat to the northern boundary of Lot 4 of Block 25 and from the northern boundary of Block 28 to the southern boundary of the plat; all of Mississippi Avenue from the northern boundary of the plat to the southern boundary of Block 24 and from the northern boundary of Block 29 to the northern boundary of Lot 10, Block 41; all of Alabama Avenue from the northern boundary of the plat to the southern boundary of Block 23 and from the northern boundary of Lot 4, Block 30 to the southern boundary of Block 41; and all of the alleys and easements adjacent to or contained in Lots 1 to 6, 11 and 12, Block 41, Lots 4 to 9, Block 30 and Lots 1 to 3 and 7 to 12, Block 25.

**Frisby Addition:**

The following described property in Section 18, Township 1 North, Range 11 West and being part of the property platted as Frisby Addition to Little Rock, Pulaski County, Arkansas:

1. Part of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Section 18, Township 1 North, Range 11 West
2. Part of the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 18, Township 1 North, Range 11 West

The particular streets and alleys being vacated (to the extent not already vacated) are:

All of 38th Street, also known as East 37th Street; all of 39th Street, also known as East 38th Street from the west boundary of the plat to the east boundary of Block 3; all of Little Rock Avenue from the south boundary of Block 4 to the north boundary of the plat; and all alleys and utility easements adjacent to or contained in Blocks 1 to 4 and Block 6.

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**STAFF REVIEW:**

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

As noted in paragraph G., none of the utility companies object to the requested abandonments. Utility easements will be retained as noted. Public Works has reviewed the abandonment request and has no comments:

B. Master Street Plan:

There are no Master Street Plan issues associated with the requested abandonments, as the rights-of-way are not classified as collector streets or higher.

C. Characteristics of Right-of-Way Terrain:

The plat and right-of-way areas proposed for abandonment are currently undeveloped. The areas are mostly wooded.

D. Development Potential:

After abandonment, the areas of abandonment will be incorporated into the existing stone quarry operation or used as open space buffer areas.

E. Neighborhood and Land Use Effect:

All of the property (plats and rights-of-way) proposed for abandonment is within existing and proposed zoned areas owned by 3M Company, which have been designated for the expansion of the existing mining operation and open space buffer areas for a number of years.

F. Neighborhood Position:

All of the abutting properties are owned by 3M Company. The College Station Neighborhood Association was notified of the abandonment request.

G. Effect on Public Services or Utilities:

Little Rock Wastewater: There are existing sewer mains in the affected abandonment area. The mains located near E. 38<sup>th</sup> Street and W. Line Street are public mains currently in service, for which sanitary sewer easements must be retained. Due to the depth of the lines, a 15 foot easement width is needed. The lines running from near 3M Road west toward Springer Blvd. are private lines, which must remain in service, but for which no easements are required. These lines are believed to be owned by 3M.

Entergy: Entergy has existing power lines in at least part of the area for proposed abandonment. Entergy will need to retain its easements (30 feet – 15 feet from center of pole) and 24 hour, vehicular access to its existing facilities for maintenance reasons.

Centerpoint Energy: Centerpoint energy owns and operates existing natural gas facilities contained within an easement granted from Minnesota Mining & Manufacturing to Arkansas Louisiana Gas Company (Book 324, Page 557; 08/01/1946). This easement is contained within parcel number 34L2330005800. We are working on a replacement project for the aforementioned facilities in 2017. We propose it be in both parties interest to replace the existing easement agreement with a new one during our planned facility replacement in 2017. In regards to the remaining portions of aforementioned addition abandonments; Centerpoint Energy gives consent to abandon.

“Centerpoint Energy (CNP) has active facilities within the proposed plat abandonments requested on File # G-23-465. However, CNP has been in contact with 3M Company in regards to acquiring new dedicated easements for active CNP facilities within this area.”

AT&T: AT&T is in agreement with the proposed abandonment of the subject property under the following conditions. Any and all easements both written or unwritten shall remain in place, unaltered. Where an easement width is not specified it shall be ten (10) feet in width unless otherwise specified.

Central Arkansas Water: No objection to proposed abandonments.

Rock Region METRO:

- a) Location is not currently served by METRO but remains part of our long range plans as industrial jobs expand. We have no objections to the abandonment of the residential street network in the original plat.

H. Reversionary Rights:

According to an abstract company, the subject plats contained no reversionary clauses.

I. Public Welfare and Safety Issues:

Abandoning these plats and 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, with the following comment:

**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.

**Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code.** Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501-918-3757 or Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

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SUBDIVISION COMMITTEE COMMENT:

(MARCH 8, 2017)

Margaret Johnston was present, representing the application. Staff presented the proposed abandonment request. Staff noted that according to an abstract company, no reversionary clauses were found of record.

The utility and fire department comments were briefly discussed. Staff noted that there were no outstanding issues. After the discussion, the Committee forwarded the application to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the plat and right-of-way abandonments for The Chamber of Commerce Addition, Granite Park Addition and Frisby Addition, subject to easements being retained as noted in paragraph G. of the staff report.

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PLANNING COMMISSION ACTION:

(MARCH 30, 2017)

Staff informed the Commission that on March 28, 2017 the applicant submitted a letter requesting this application be deferred to the May 11, 2017 agenda. Staff supported the deferred request. Meg Johnston, representing the application, made a brief statement, noting that the deferral was requested in order to hold a meeting with neighborhood residents regarding the proposal.

With a vote of 11 ayes, 0 nays and 0 absent the Commission voted to waive their bylaws and accept the request for deferral being less than five (5) business days prior to the public hearing. The item was placed on the Consent Agenda and deferred to the May 11, 2017 meeting by a vote of 11 ayes, 0 nays and 0 absent.

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PLANNING COMMISSION ACTION:

(MAY 11, 2017)

Meg Johnston, Jordan Johnson and Scott Foster were present, representing the application. Staff presented the application with a recommendation of approval. This item was discussed simultaneously with items LU17-24-01 and Z-9202.

A motion was made to approve the application as recommended by staff. The motion passed by a vote of 8 ayes, 0 nays and 3 absent. The application was approved.