

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Street Closing request to close W. 7TH Avenue between Pine and Chestnut Streets.

APPLICANT: First United Methodist Church, represented by Rev. David Moseley

REVIEW COMMENTS

The applicant desires to close W. 7th Avenue between Pine Street and Chestnut Street because they own the property on both sides and have intentions of developing the property at some point in the future. They have been purchasing property in the area and cleaning those properties up.

W. 7th Avenue in this location does not extend on the ground either east of Pine or West of Chestnut. In fact, W. 7th is only platted between Pine and Chestnut; it is not platted east of Pine or west of Chestnut, so it cannot be continued unless right-of-way is purchased. We are not aware of any interest in extended W. 7th Avenue. W. 6th Avenue and W. 8th Avenue provide the necessary east-west movement in this area.

RECOMMENDATION

The staff recommends approval of the Street Closing request subject to retaining the street as a utility easement if utility company responses indicate it is necessary. Once the responses are received, the staff will forward the alley closing ordinance to the City Council.

Our staff does not profess to know all matters pertaining to land use law. We serve the City of Pine Bluff in an advisory capacity only, and any comments or recommendations contained herein are based on good planning principles and the Zoning Regulations as we interpret them. If you have questions on any legal issues that might occur due to this matter, please contact the Pine Bluff City Attorney.

AN ORDINANCE TO CLOSE ALABAMA STREET
BETWEEN 2ND AND 3RD AVENUES

1 WHEREAS, a petition was duly filed with the City of Pine Bluff, Arkansas to close
2 Alabama Street between 2nd and 3rd Avenues; and

3 WHEREAS, after proper notice as required by law, the City has heard all persons
4 desiring to be heard on the question and has ascertained that the street herein described has
5 heretofore been dedicated to the public use as a public street; and that the public interest and
6 welfare will not be adversely affected by the closing of said street.

7 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PINE
8 BLUFF, ARKANSAS:

9 SECTION 1. That the City of Pine Bluff, Arkansas, hereby releases, vacates and
10 abandons all its rights together with the rights of the public generally, except those
11 specifically set forth below, in and to the street designated as follows:

12 That portion of Alabama Street located east of Block 32 of Old Town Addition
13 and between 2nd and 3rd Avenues in the City of Pine Bluff, Arkansas.

14 SECTION 2. The City of Pine Bluff hereby specifically retains the right to use the
15 former street in its entirety as a public utility and drainage easement.

16 SECTION 3. A copy of the ordinance duly certified by the City Clerk shall be
17 filed in the office of the Recorder of Jefferson County and recorded in the deed records of
18 the County.

19 SECTION 4. That all ordinances or parts of ordinances in conflict herewith are
20 hereby repealed to the extent of such conflict.

21 PASSED AND APPROVED THIS _____ DAY OF _____, 2008

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24 ATTEST:

MAYOR

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CITY CLERK

SPONSOR

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30 APPROVED AS TO FORM:

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CITY ATTORNEY

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