

ORDINANCE NO. ____

AN ORDINANCE APPROVING A WAIVER OF SECTION 1.2.5 OF CHAPTER 11 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (PUBLIC PROPERTY - STREETS, SIDEWALKS AND EASEMENTS) TO ALLOW INSTALLATION OF AN ELECTRONIC GATE AS A TRAFFIC CONTROL DEVICE AT THE ENTRANCE OF CYPRESS CROSSING NEIGHBORHOOD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Cypress Crossing is a neighborhood located off Highway 165 in the City of North Little Rock, Arkansas; and

WHEREAS, the Cypress Crossing Property Owner's Association wishes to purchase, install and maintain an electronic gate at the entrance of the neighborhood for use as a traffic control device (See photos of the neighborhood entrance where the electronic gate is to be installed attached hereto collectively as Exhibit A); and

WHEREAS, the electronic gate will open automatically to approaching vehicles and the streets within the neighborhood will remain open and accessible to the public; and

WHEREAS, it is in the best interests of the City to allow the Cypress Crossing Property Owner's Association to install the electronic gate to insure the City's interests in controlling traffic and the speed of vehicles entering and exiting the Cypress Crossing neighborhood; and

WHEREAS, the Cypress Crossing Property Owner's Association seeks a waiver of Section 1.2.5 of Chapter 11 of the North Little Rock Municipal Code (Public Property - Streets, Sidewalks and Easements), which provides as follows:

1.2.5 Obstruction or encroachments on streets or public property. It shall be unlawful for any person to place any obstruction in, or to maintain, build or repair any fence, building or structure of any kind upon, the whole or any part of any street, sidewalk, alley or other public property of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That a waiver of Section 1.2.5 of Chapter 11 of the North Little Rock Municipal Code (Public Property - Streets, Sidewalks and Easements) is hereby granted to allow the Cypress Crossing Property Owner's Association to install an electronic gate, that will automatically open to approaching vehicles, at the entrance of the Cypress Crossing neighborhood for use as a traffic control device.

SECTION 2: That the Cypress Crossing Property Owner's Association will be responsible for maintenance of the electronic gate.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That it is hereby found and determined that it is in the best interest of the City of North Little Rock to permit installation of the electronic gate at the entrance of the Cypress Garden neighborhood and is necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Maurice Taylor
Council Member Maurice Taylor *by AF*

Diane Whitbey, City Clerk

Linda Robinson
Council Member Linda Robinson *by AF*

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	<u>11:30</u>	A.M.	_____	P.M.
By	<u>Amy Fields CA Office</u>			
DATE	<u>7-17-18</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>[Signature]</u>			