



City of Conway, Arkansas
Resolution No. R-14-17

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO ACT PURSUANT TO ARKANSAS CODE ANNOTATED §18-15-201 ET SEQ., AND OTHER STATE STATUTORY AUTHORITY TO SEEK CONDEMNATION BY EMINENT DOMAIN PROCEEDINGS OF CERTAIN PROPERTIES DESCRIBED HEREIN FOR THE PUBLIC PURPOSE OF CONSTRUCTING AND MAINTAINING STREET, ROAD AND BOULEVARD RIGHT OF WAY AND ALL NECESSARY AND PROPER EASEMENTS RELATED THERETO FOR THE CITY OF CONWAY'S FAVRE AND SOUTH DONAGHEY ROUNDABOUT PROJECT.

Whereas, the City of Conway, Arkansas, is a city of the First Class duly organized and existing as a municipal corporation under the laws of the State of Arkansas. The City of Conway ("the City") has its principal place of business within the borders of Faulkner County, Arkansas. Under Arkansas law, the City is empowered under Arkansas Code Annotated § 18-15-201, *et seq.*, and other statutory authority to condemn real property by eminent domain for the purposes of streets, parks, boulevards, and public buildings (among other lawful purposes); and

Whereas, as part of the planning, construction and maintenance of the City's right of way at the intersection of Favre Lane and South Donaghey Avenue ("the Project"), the City is in the process of planning and developing sufficiently wide and safe roads, streets, boulevards and necessary and proper rights of way within the statutory areas relative to the corporate limits of Conway as set out in A.C.A. § 18-15-201(a)(2), the City Council for the City of Conway has found and determined that it is necessary for public purposes to acquire the real properties described herein upon which to construct and maintain said roadway, street and utility easements. Being unable to reach an agreement and compromise as to the amount of just compensation to pay the landowner, it is now necessary for public purposes to acquire the real properties described herein upon which to construct and maintain said roadway and utility easements. Because the City has established a legitimate public purpose for said properties, it is empowered under ACA §18-15-201 to seek condemnation through eminent domain of the properties as described herein and to properly compensate the owners of said lands pursuant to state law.

Whereas, to secure timely access to said real properties, however, it is necessary that eminent domain authority be declared, established, and exercised for the purpose of the construction, maintenance, and public use of the improved roadway, streets, boulevards, utilities, rights of way, and appropriate appurtenances developed thereto. As well and on behalf of the public, the City must continue ownership and control of the real property described herein, as necessary for the public purposes of continued maintenance, traffic control, safety, drainage and necessary and proper services throughout the affected areas and properties described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: The City Council for the City of Conway hereby finds and determines that it is necessary for public purposes to acquire the real properties owned by certain landowners described herein upon which to construct and maintain said roadway, streets, boulevards and necessary easements. Being unable to reach an agreement and compromise as to the amount of just compensation to pay the respective landowners, it is necessary for public purposes to acquire the real properties owned by these landowners described herein upon which to construct and maintain said roadway, streets, boulevards, utilities and necessary easements. Because the City has established a legitimate public purpose for said properties, the City is empowered under Ark. Code Ann. §18-15-201 to seek condemnation through eminent domain of the properties described herein and to properly compensate the owners of said lands pursuant to state law.

Section 2: David and Darla Haas and Jordan and June Haas are individuals who own real estate upon and along the Project area which is needed for the Project. First Security Bank and Citibank, N.A. are corporations which do business in Faulkner County, Arkansas, which may have an interest in the real estate upon and along the Project area which is needed for the Project; Marlise Manor Property Owners Association, Inc. is a corporation which does business in Faulkner County, Arkansas, which may have an interest in the real estate upon and along the Project area which is needed for the Project. The real estate in question is more particularly described below:

A parcel of land situated in the Southeastern corner of Lot 10 Marlise Manor Subdivision as shown on plat of record in Faulkner County Plat Book J at page 6, situated in the SE ¼ NE ¼ Section 23, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of said Lot 10, thence North 42 degrees 57 minutes 54 seconds West, along the southerly line of said Lot 10, 38.00 feet; thence North 47 degrees 31 minutes 38 seconds East 37.81 feet to the easterly line of said Lot 10 and a point on the westerly Right of Way line of South Donaghey Ave. (State Highway 60 Spur) (80' ROW); thence South 02 degrees 08 minutes 17 seconds West, along said easterly lot line 53.38 feet to the point of beginning and containing 0.016 acres (714.4 sq. ft.) more or less.

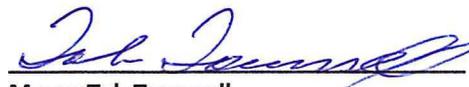
Section 3: The City is further in need of Temporary Construction Easements for the Project, as more particularly described above, from the landowners as identified and detailed above.

Section 4: To secure timely access to said real properties, however, it is necessary that eminent domain authority be declared, established, and exercised for the purpose of the construction, maintenance, and public use of the improved roadway, streets, boulevards, utilities, rights of way, necessary and proper easements and appropriate appurtenances developed thereto. As well and on behalf of the public, the City must continue ownership and control of the real property described herein, as necessary for the public purposes of continued maintenance, traffic control, safety and necessary and proper rights of way and easements throughout the affected areas and properties described herein.

Section 5: The Office of the City Attorney of the City is hereby authorized to act on behalf of the City and initiate statutory proceedings for eminent domain and condemnation of the lands described herein for the purposes stated herein, up to and including filing appropriate legal pleadings and process in those courts of law having jurisdiction over such process and proceedings.

PASSED this 24th day of June, 2014.

Approved:


Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer