



City of Conway, Arkansas
Resolution No. R-13-54

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 WESTERN ARTERIAL LOOP 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 Western Arterial Loop Project ("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 and utility easements. Having acquired other real property adjacent to these respective parcels and being unable to reach an agreement and compromise as to the amount of just compensation to pay the respective landowners, 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, 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. Having acquired other real property adjacent to these landowners' respective parcels and 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 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: Ada Ratliff is an individual real property owner who resides in Faulkner County, Arkansas, with real estate locations more particularly described below.

PARCEL ONE: _____ AHTD Job 080430, Tract 74

ADA RATLIFF (AND ALL OTHER HEIRS AND INTERESTED PARTIES):

Part of Lot 9, Gold Creek Subdivision, located in the NE 1/4 NW 1/4 of Section 5, Township 4 North, Range 13 West, Faulkner County, Arkansas, more particularly described as follows: Commencing at a 2 1/2 inch steel cap found at the W 1/16 corner of said Section 5, thence along the West line of said NE 1/4 NW 1/4, South 1 degree 40 minutes 55 seconds West a distance of 405.30 feet; thence South 89 degrees 07 minutes 12 seconds East a distance of 155.01 feet to the Western Right of Way of the Conway Loop as established by AHTD Job 080430 and the point of beginning; thence continuing South 89 degrees 07 minutes 12 seconds East a distance of 79.43 feet; thence South 1 degree 00 minutes 02 seconds West a distance of 167.20 feet to the South line of said Lot 9 as established by Gold Creek Subdivision Plat Book A, page 117, as filed in Faulkner County, also being the Western Right of Way of the Conway Loop as established by AHTD Job 080430; thence along said Western Right of Way the following bearings and distances: North 15 degrees 25 minutes 40 seconds West a distance of 85.85 feet; North 32 degrees 04 minutes 20 seconds West a distance of 101.06 feet to the point of beginning, and containing 0.12 acres (5,398 sq ft), more or less as shown on AHTD plans referenced as Job 080430.

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, 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 September, 2013.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer