



**City of Conway, Arkansas
Resolution No. R-21-08**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT IN PENDING LITIGATION OVER THE ACQUISITION OF PROPERTY LOCATED AT COLLEGE AND DONAGHEY AVENUES, AS BEING NECESSARY FOR THE CITY OF CONWAY'S DONAGHEY AVENUE PROJECT, PHASE 1.

WHEREAS, it has been determined that acquisition of a portion of the property located at Donaghey and College Avenue, as described in the attached survey, owned by Southeast Realty Investments, LLC, (hereinafter "SER") is necessary in order for the Conway Department of Transportation to complete the Donaghey Avenue Project, and that it is in the best interest of the City to purchase that portion of the property needed to complete the project; and

WHEREAS, the City Council previously authorized the filing of a lawsuit to condemn the property, and a lawsuit has been filed; City of Conway vs. Southeast Realty, LLC, 23 CV 20-750; and

WHEREAS, the Circuit Court to which the lawsuit was assigned, determined that the initial deposit to be made by the City in order to obtain immediate access and right of entry, was \$300,000; and

WHEREAS, it is believed that the property at issue, and necessary easements, can be acquired from SER, and the litigation settled, for the amount of \$225,000; and

WHEREAS, it is believed that resolving the litigation in this manner will finally settle the matter for a reasonable amount less than the initial deposit required by the Court, and in addition enable the City to successfully avoid expensive litigation costs.

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 shall and hereby does authorize the Mayor to enter into a settlement agreement with SER, for the portion of the property at the intersection of Donaghey Avenue and College Avenue being necessary for completion of the Donaghey Avenue Project, Phase 1, and resolution of the litigation styled "City of Conway vs. Southeast Realty Investments, LLC."

Section 2: That this resolution shall be in full force and effect from and after its passage and approval.

PASSED this 26th day of January, 2020.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**