



City of Conway, Arkansas
Resolution No. R-22-12

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, SIDEWALK AND BOULEVARD RIGHT OF WAY AND ALL NECESSARY AND PROPER EASEMENTS RELATED THERETO FOR THE CITY OF CONWAY'S DONAGHEY PHASE II IMPROVEMENT 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 Donaghey Phase II ("the Project"), the City is in the process of planning and developing sufficiently wide and safe roads, streets, boulevards, sidewalks, 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 sidewalks. It is now necessary for public purposes to acquire the real properties described herein upon which to construct and maintain said roadway and sidewalks. 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, sidewalks 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, pedestrian passage 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 landowner described herein upon which to construct and maintain said roadway, streets, boulevards, sidewalks 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 the landowner described herein upon which to construct and maintain said roadway, streets, boulevards, sidewalks 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: Savannah and Amy Colson are the individuals who own real estate upon and along the Project area which is needed for the Project. The street address of the property is 2036 Prince, Conway, Arkansas 72034, with the real estate in question more particularly described below:

PART OF LOTS 13 AND 13A, BLOCK 2 OF LEDBETIER ADDITION, CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 13A; THENCE NORTH 02°23'21" EAST ALONG THE WEST LINE OF SAID LOT 13A A DISTANCE OF 66.53 FEET TO A POINT OF CURVE; THENCE ON A CURVE TO THE LEFT A DISTANCE OF 87.83 FEET, HAVING A RADIUS OF 60 FEET AND A CHORD BEARING SOUTH 39°32'50" EAST A DISTANCE OF 80.20 FEET TO A POINT; THENCE SOUTH 81°29'02" EAST A DISTANCE OF 49.66 FEET TO THE SOUTH LINE OF SAID LOT 13; THENCE NORTH 88°29'02" WEST ALONG THE SOUTH LINE OF SAID LOTS 13 AND 13A A DISTANCE OF 103.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1,249 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, 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, sidewalks, 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.

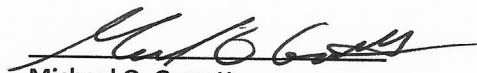
SECTION 5: The Office of the City Attorney of the City is hereby authorized to act on behalf of the City and initiate statutory proceedings for eminent domain and condemnation of the lands described herein for the purposes stated herein, up to and including filing appropriate legal pleadings and process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

Passed this 22nd day of February, 2022.

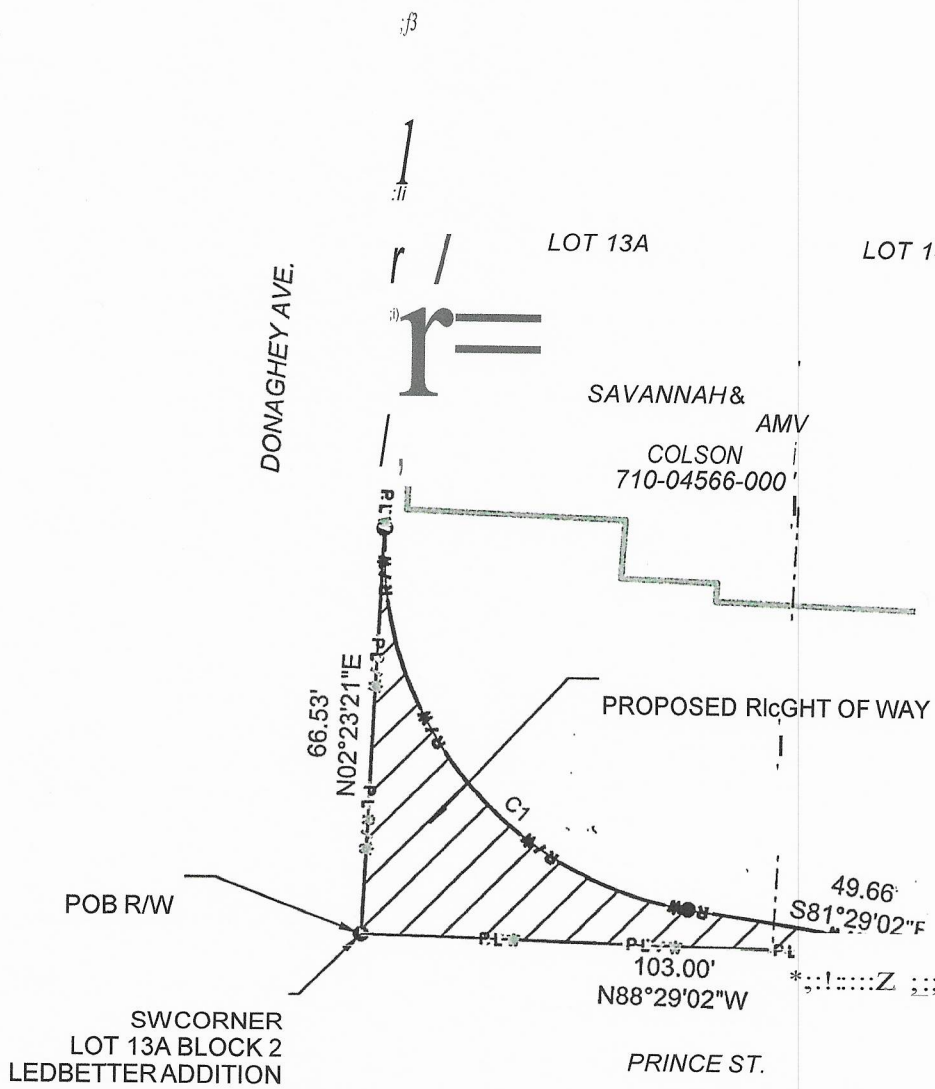
Approved:


Mayor Bart Castleberry

Attest:


Michael O. Garrett
City Clerk/Treasurer

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CURVE	RADIUS	DISTANCE	CHORD ANGLE	CHORD DISTANCE
C1	60'	87.83'	S 39°32'50" E	80.20'

AREA CALCULATIONS	SQ. FT.	ACRES
PROPOSED RIGHT OF WAY	1,249	0.029

LEGEND

- PL - EXISTING PROPERTY LINE
- R11- EXISTING RIGHT-OF-WAY LINE
- 11w- PROPOSED RIGHT-OF-WAY LINE
- SECTION QUARTER LINES
- LOT LINES



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	831 Parkway Suite C Conway, AR 72034 (501) 537-3293	CITY OF CONWAY CONWAY, AR DONAGHEY AVE. IMPROVEMENTS (PRINCE TO DAVE WARD) CONWAY (S)	
			JOB NO. 18147010 TRACT 16