



City of Conway
Resolution No. R-22-63

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 LOWER RIDGE ROAD REALIGNMENT 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 and construction of the Lower Ridge Road Realignment Project ("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: Conway Realty LLC and Conway Nassim LLC (Namdar Realty Group) own real estate upon and along the Project area which is needed for the Project. The street address of the property is Hwy 65 N/Conway Town Center, Conway, Arkansas, with the real estate in question more particularly described below:

LEGAL DESCRIPTION

TRACT 1: (710-08185-004C)

A PART OF THE NE1/4 SW1/4, SECTION 31, T-06-N, R-13-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE FOR THE NE CORNER OF SAID NE1/4 SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 SW1/4 S01°41'47"W A DISTANCE OF 441.10' TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF PARCEL NO. 710-08185- 004C; THENCE CONTINUE S01°41'47"W A DISTANCE OF 16.28' TO A FOUND 1/2" REBAR FOR THE SE CORNER OF SAID PARCEL; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID PARCEL N88°23'01"W A DISTANCE OF 77.84'; THENCE LEAVING SAID SOUTH LINE N79°48'22"E A DISTANCE OF 79.55' TO THE POINT OF BEGINNING, CONTAINING 633.69 SQUARE FEET (0.0145 ACRES), MORE OR LESS.

TRACT 2: (710-08185-004C)

A PART OF THE NE1/4 SW1/4, SECTION 31, T-06-N, R-13-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE FOR THE NE CORNER OF SAID NE1/4 SW1/4, THENCE ALONG THE EAST LINE OF SAID NE1/4 SW1/4 S01°41'47"W A DISTANCE OF 457.38' TO A FOUND 1/2" REBAR FOR THE SE CORNER OF PARCEL NO. 710-08185-004C; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID PARCEL N88°23'01"W A DISTANCE OF 335.16' TO A FOUND 1/2" REBAR; THENCE CONTINUE ALONG SAID SOUTH LINE S01°34'14"W A DISTANCE OF 12.29' TO THE POINT OF BEGINNING; THENCE CONTINUE S01°34'14"W A DISTANCE OF 5.76' TO A FOUND RR-SPIKE; THENCE N88°23'01"W A DISTANCE OF 120.12'; THENCE LEAVING SAID SOUTH LINE N02°02'04"E A DISTANCE OF 6.64'; THENCE S87°57'56"E A DISTANCE OF 120.07' TO THE POINT OF BEGINNING, CONTAINING 744.36 SQUARE FEET (0.0171 ACRES), MORE OR LESS.

PARCEL: (710-08185-000C)

A PART OF THE NE1/4 SW1/4, SECTION 31, T-06-N, R-13-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND STONE FOR THE NE CORNER OF SAID NE1/4 SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 SW1/4 S01°41'47"W A DISTANCE OF 457.38' TO A FOUND 1/2" REBAR FOR THE POINT OF BEGINNING,

SAID POINT BEING THE NE CORNER OF PARCEL NO. 710-08185-000C; THENCE CONTINUE S01°41'47"W A DISTANCE OF 45.23'; THENCE LEAVING SAID EAST LINE S88°05'47"W A DISTANCE OF 247.63'; THENCE N87°57'56"W A DISTANCE OF 208.34'; THENCE N02°02'04"E A DISTANCE OF 8.16'; THENCE N88°06'43"W A DISTANCE OF 233.42' TO A FOUND PK NAIL BEING ON THE BOUNDARY LINE OF SAID PARCEL; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING CALLS: N88°59'15"W A DISTANCE OF 22.04' TO A FOUND PK NAIL; THENCE N01°33'01"E A DISTANCE OF 98.66'; THENCE N83°52'20"E A DISTANCE OF 29.64'; THENCE S01°33'01"W A DISTANCE OF 45.86'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 39.24', WITH A RADIUS OF 25.00', WITH A CHORD BEARING OF S43°25'00"E, WITH A CHORD LENGTH OF 35.33'; THENCE S88°23'01"E A DISTANCE OF 321.50' TO A FOUND RR-SPIKE; THENCE N01°34'14"E A DISTANCE OF 5.76'; THENCE LEAVING SAID BOUNDARY LINE S87°57'56"E A DISTANCE OF 113.30'; THENCE N86°24'39"E A DISTANCE OF 144.60' TO THE NORTH LINE OF SAID PARCEL; THENCE ALONG SAID NORTH LINE S88°23'01"E A DISTANCE OF 77.84' TO THE POINT OF BEGINNING, CONTAINING 31,290.68 SQUARE FEET (0.7183 ACRES), 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 8th day of November 2022.

Approved:

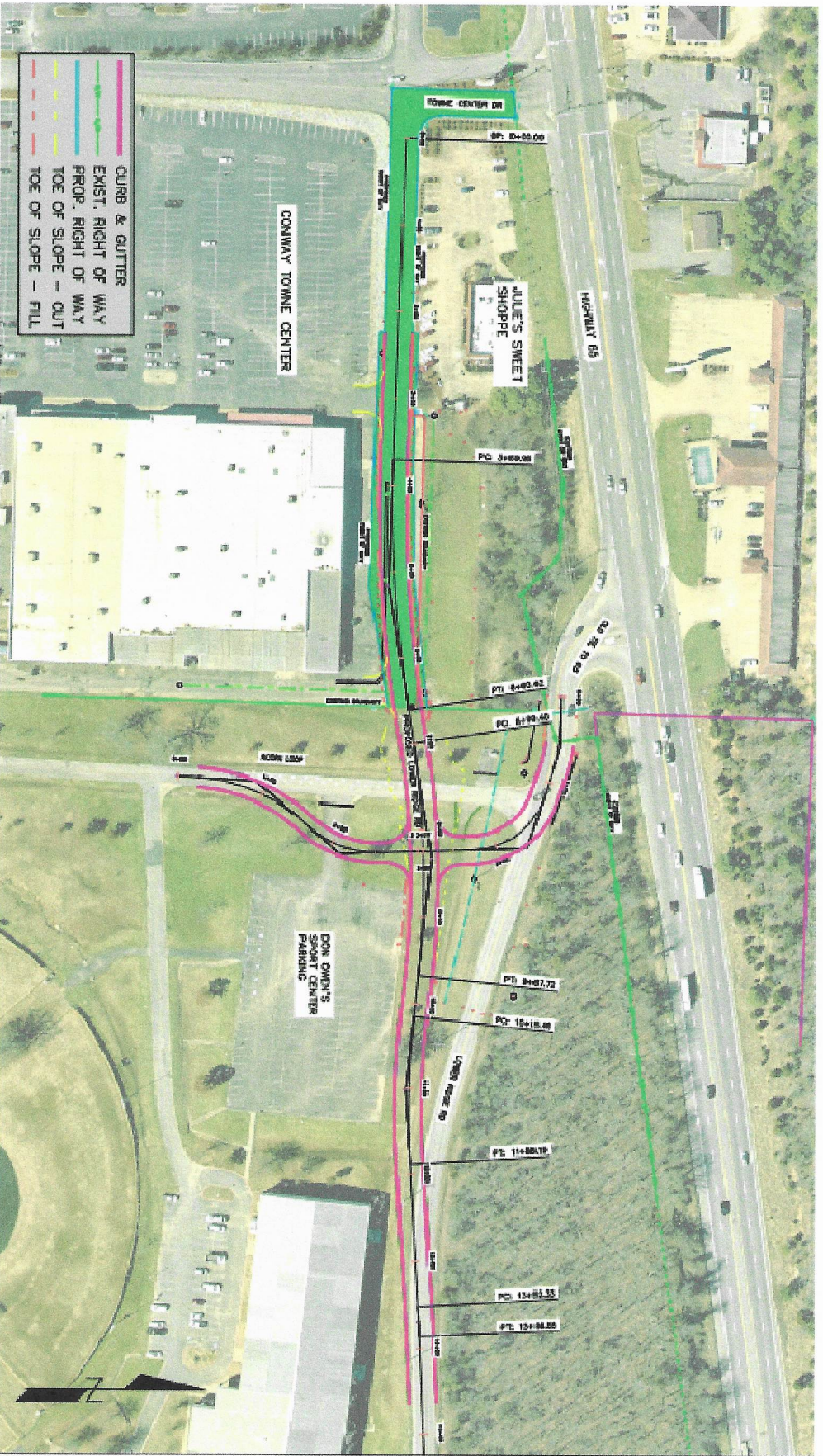


Mayor Bart Castleberry

Attest:



Michael O. Garrett
City Clerk/Treasurer



	CURB & GUTTER
	EXIST. RIGHT OF WAY
	PROP. RIGHT OF WAY
	TOE OF SLOPE - OUT
	TOE OF SLOPE - FILL

LAYOUT OPTION B