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City of Conway

R19144

ORDINANCE NO. 0-00- 117

AN ORDINANCE AUTHORIZING **EMINENT DOMAIN** PROCEDURES; CONDEMNING CERTAIN REAL PROPERTY FOR A PUBLIC DRAINAGE EASEMENT; REPEALING CONFLICTING ORDINANCES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Ark. Code Ann. §§ 18-15-301 authorizes municipal corporations to exercise the right and power of *eminent domain* to enter upon and take and condemn private property for lawful public purposes; and

WHEREAS, it is necessary, in order to improve the flow of run-off waters in developed and developing areas of the City, to construct, widen and improve the drainage channel of a tributary of Tucker Creek in the City of Conway; and

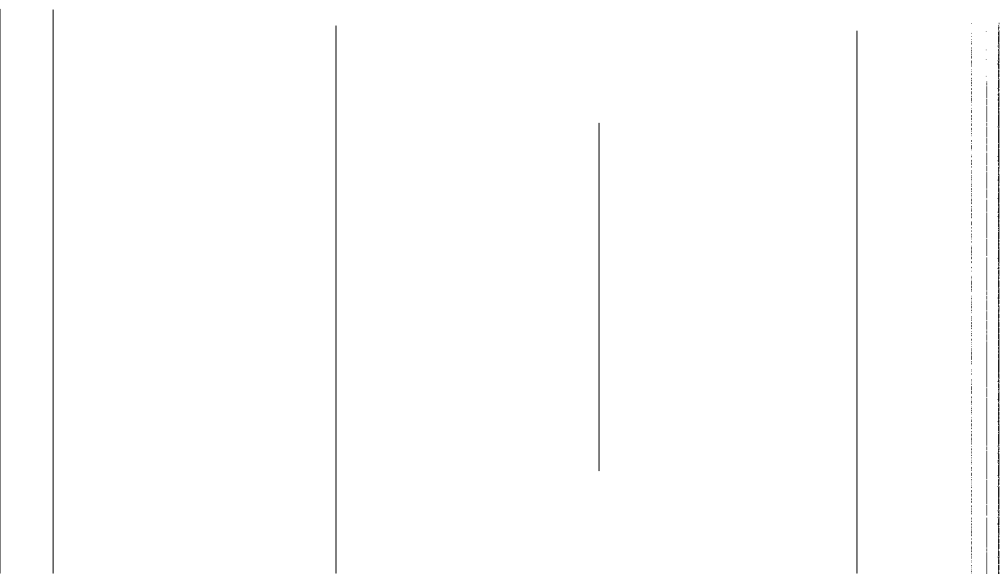
WHEREAS, the City has been unable, despite requests, to obtain a voluntary easement for such improvements from the landowner;

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

SECTION 1. That the City of Conway hereby authorizes the exercise of its power of *eminent: domain* pursuant to state law and condemns, for purposes of constructing, improving, channelizing, widening, clearing, mowing and maintaining a tributary of Tucker Creek in the City and securing a public drainage easement, the following real property:

A parcel of land situated across the northern portion of the SE 1/4, SE 1/4, Section 4, T-5-N, R-14-W, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the Northwest corner of said SE 1/4, SE 1/4, Section 4, thence S01°07'52"W, 410.05 feet along the west line of said SE 1/4, SE 1/4, Section 4 to the point



of beginning; thence N58°31'14"E, 318.75 feet; thence N02°20'54"E, 199.22 feet; thence N34°37'00"W, 46.64 feet to a point on the north line of said SE 1/4, SE 1/4 Section 4; thence S88°35'33"E along said north line 68.56 feet; thence S01°20'54"W, 200.59 feet; thence S60°35'40"E, 31.38 feet; thence S59°39'21"E, 268.77 feet; thence N82°07'13"E, 67.34 feet; thence N35°34'06"E, 76.15 feet to a point on the north line of said SE 1/4, SE 1/4 Section 4; thence along said north line S88°35'33"E, 47.03 feet; thence S13°18'19"W, 51.16 feet; thence N82°07'13"E, 310.18 feet to a point on the north line of said SE 1/4, SE 1/4, Section 4; thence S88°35'33"E, 141.87 feet along said north line (to a point located N88°35'33"W, 167.53 feet from Northeast corner of said SE 1/4, SE 1/4, Section 4); thence S62°43'38"W, 111.75 feet; thence S82°07'13"W, 480.50 feet; thence S59°39'21"W, 330.03 feet; thence S58°31'14"W, 328.63 feet; thence S21°33'07"W, 92.73 feet to the west line of said SE 1/4, SE 1/4, Section 4; thence N02°07'52"E along said west line 160.34 feet to the point of beginning and containing 2.165 acres more or less.

AND a temporary construction easement 20 feet in width along and adjacent to said above described drainage easement for purpose of construction activity associated with the channel improvements.

SECTION 2. That the City Attorney and City Engineer are hereby authorized to take appropriate action to secure the necessary public easements.

SECTION 3. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 4. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway. Specifically, it is imperative that the City enter upon the lands immediately due to the fact that weather conditions for such construction and improvements are likely to begin to deteriorate as the rainy season approaches. Therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 12th day of September, 2000.

APPROVED:

Tab Townsell
MAYOR TAB TOWNSELL

ATTEST:

Michael O. Garrett
MICHAEL O. GARRETT, CITY CLERK