

RESOLUTION R-04-23

A RESOLUTION AUTHORIZING THE MAYOR TO SECURE AN AGREEMENT WITH A PROPERTY OWNER NEAR PROPOSED LOLLIE BOTTOMS AIRPORT SITE TO PREVENT THE ATTRACTION OF WATERFOWL AND BIRDS DURING A BIRD AND WATERFOWL SURVEY PERIOD AND FOR OTHER PURPOSES

Whereas, the City of Conway has been required by the Federal Aviation Administration to perform a bird and waterfowl hazard survey and report in the vicinity of the potential airport site in the Lollie Bottoms area if it wishes to pursue the construction of a airport at that location., and

Whereas, one conditions imposed by the FAA is that a landowner previously operating a waterfowl lease area located near the proposed site be prohibited from artificially flooding or preventing the free drainage of surface water from the fields in this area during the study period running from September 2004 to September 2005.

THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The Mayor is authorized to negotiate and make an agreement with the owner of land at the following locations:

- E ½, SE ¼, Section 1, T-4-N, R-15-W
- E ½, NE ¼, Section 12, T-4-N, R-15-W
- SW 1/4, Section 6, T-4-N, R-14-W
- Section 7, T-4-N, R-14-W

The agreement shall incorporate the following provisions:

- Prevent the property owner or his leasee from artificially flooding or otherwise creating pools of surface water on his land.
- Prevent the property owner or his leasee from preventing or impeding the free flow of surface water from his lands by use of levees, berms, gated pipes, stop logs or other devices that would cause the ponding of surface water in the fields.
- Prevent the property owner from placing seed or food for waterfowl or birds for the purpose of attracting birds or waterfowl.
- Prevent the property owner from otherwise artificially creating conditions that would result in an increase in bird or waterfowl activity .

Section 2. The Mayor is further authorized to make payments to said landowner to offset his usual income from waterfowl leases for the one year survey and study period.

Section 3. If negotiations fail to arrive at a suitable agreement, the Mayor and City Attorney are further authorized to utilize eminent domain procedures to secure the necessary restrictions required to prevent the landowner or his leasee from creating bird or waterfowl attracting features as described in Section 1 above.

Passed this 24th day of August, 2004


Mayor Tab Townsell

ATTEST:


City Clerk Michael O. Garrett