



**City of Conway, Arkansas
Resolution No. R-10-12**

A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEDURES; CONDEMNING CERTAIN REAL PROPERTY FOR AIRPORT CONSTRUCTION; 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 construct the new Conway Municipal Airport in the City of Conway, to acquire exclusive title across, through and over certain lands situated in the county of Faulkner, State of Arkansas, said property being known as the Moon Trust Property and located in the Lollie Bottoms area of the Community; and

WHEREAS, the City has been unable, despite attempts, to obtain fee simple title from the landowner for the property necessary for such improvements; and

WHEREAS, the city needs to complete the property acquisition in a timely manner in order to avoid possible delays in receiving federal funding for the new airport constructions.

NOW THEREFORE, BE IT RESOLVED 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 a new airport facility in the City of Conway, the following lands situated in the County of Faulkner, State of Arkansas:

LEGAL DESCRIPTION

Part of the W1/2 SE1/4 of Section 2, Township 4 North, Range 15 West, Faulkner County, Arkansas; more particularly described as beginning at a found 1/2 inch rebar at the Northeast Corner of Section 2, Township 4 North, Range 15 West; thence along the East line of said Section 2, South 01 degree 37 minutes 29 seconds West 2645.33 feet to a set 1/2 inch rebar at the Northeast Corner of the NE1/4 SE1/4; thence leaving said East line North 88 degrees 18 minutes 04 seconds West 1320.01 feet to a set 1/2 inch rebar at the Northeast Corner of the NW1/4 SE1/4; thence along the East line of said W1/2 SE1/4 South 01 degree 37 minutes 30 seconds West 420.22 feet to a set 1/2 inch rebar for the point of beginning; thence continue along said East line South 01 degree 37 minutes 30 seconds West 1901.95 feet to a set 1/2 inch rebar; thence leaving said

East line North 44 degrees 55 minutes 57 seconds West 1307.83 feet to a set 1/2 inch rebar; thence North 45 degrees 04 minutes 03 seconds East 1380.94 feet to the point of beginning containing 8.83 acres in the NW1/4 SE1/4 and 11.90 acres in the SW1/4 SE1/4, making a total of 20.73 acres more or less.

Part of the NW1/4 SW1/4, and a part of the S1/2 NW1/4 all in Section 1, Township 4 North, Range 15 West, and also a part of the SE1/4 NE1/4 of Section 2, Township 4 North, Range 15 West, Faulkner County, Arkansas; more particularly described as beginning at a found 1/2 inch rebar at the Northwest Corner of Section 1, Township 4 North, Range 15 West; thence along the West line of said Section 1, South 01 degree 37 minutes 29 seconds West 1984.00 feet to a set 1/2 inch rebar at the Northwest Corner of the S1/2 SW1/4 NW1/4 of Section 1, said point being the point of beginning; thence leaving said West line South 88 degrees 25 minutes 52 seconds East 1784.03 feet to a set 1/2 inch rebar; thence South 45 degrees 04 minutes 03 seconds West 2594.46 feet to a set 1/2 inch rebar on the West line of said Section 1; thence along said West line North 01 degree 37 minutes 29 seconds East 1220.67 feet to a set 1/2 inch rebar at the Northwest Corner of said NW1/4 SW1/4 of Section 1; thence along the South line of said SE1/4 NE1/4 of Section 2 North 88 degrees 18 minutes 04 seconds West 922.53 feet to a set 1/2 inch rebar; thence leaving said South line North 45 degrees 04 minutes 03 seconds East 917.47 feet to a set 1/2 inch rebar; thence South 87 degrees 11 minutes 50 seconds East 291.71 feet to the point of beginning containing 9.28 acres in the SE1/4 NE1/4 of Section 2, 19.73 acres in the SW1/4 NW1/4 of Section 1, 2.61 acres in the SE1/4 NW1/4 of Section 1, and 16.20 acres in the NW1/4 SW1/4 of Section 1, making a total of 47.82 acres more or less.

SECTION 2. That the Mayor and City Attorney are hereby authorized to take appropriate action to secure the necessary real property if deemed necessary to avoid delays in the acquisition that may endanger the City's ability to obtain grant funds for the proposed new airport.

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.


PASSED this 13th day of April, 2010.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer