



City of Conway, Arkansas  
Resolution No. R-17-56

**A RESOLUTION APPROVING SETTLEMENT OF THE CASE OF SPATZ V. CITY OF CONWAY (CASE NO. 23CV-2014-297); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Conway (the "City") opened a new municipal airport in September of 2014 to better serve the needs of businesses and residents in the community; and

**WHEREAS**, the City worked with the Federal Aviation Administration (the "FAA"), along with many other partners, to select the best site possible taking into consideration initial expense, accessibility, safety, future growth, land values, land uses and other essential factors; and

**WHEREAS**, litigation was initiated against the City by the Spatz family in the case of *Daniel H. Spatz, Sr., et al. v. City of Conway, et al.*, Faulkner County Circuit Court, Case No. 23CV-2014-297, originally asserting the overlay district surrounding the airport required by the FAA restricted the use of their property, but was later amended to claim their property values had been negatively affected due to the proximity to the airport; and

**WHEREAS**, despite the City's good faith belief the City did not cause the diminution in value to the Spatz's property due to proximity to the new municipal airport as alleged in this case, the City acknowledges the value in amenable settling litigation so to avoid further expenditure of resources.

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

**SECTION 1:** That the negotiated settlement of *Daniel H. Spatz, Sr., et al. v. City of Conway, et al.*, Faulkner County Circuit Court, Case No. 23CV-2014-297 in the total amount of **Sixty Thousand Dollars (\$60,000)** is hereby appropriated from the Conway Municipal Airport 2017 annual budget fund.


**SECTION 2:** That the City Attorney is hereby authorized to execute such documents as are necessary and prudent to effectuate the intent of this Resolution.

**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

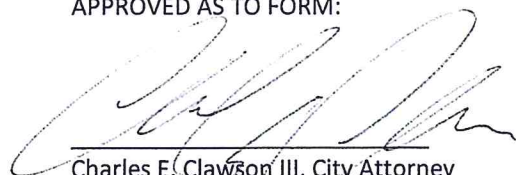
November 3<sup>rd</sup>, 2017  
Date

  
Mayor Bart Castleberry

ATTEST:

APPROVED AS TO FORM:

  
Michael O. Garrett  
City Clerk/Treasurer

  
Charles E. Clawson III, City Attorney  
PREPARED BY THE OFFICE OF THE CITY ATTORNEY