



**City of Conway, Arkansas
Resolution No. R-20-23**

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 TYLER STREET SIDEWALK 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, sidewalks, boulevards, and public buildings (among other lawful purposes); and

Whereas, as part of the planning, construction and maintenance of the City's right of way on Tyler Street ("the Project"), the City is in the process of planning and developing sufficiently wide and safe roads, streets, sidewalks, boulevards 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 sidewalk, roadway, street and utility easements. An agreement and compromise as to the amount of just compensation to pay the landowner has been reached, and in order to begin the construction process in a timely manner, it is now necessary for public purposes to acquire the real properties described herein upon which to construct and maintain said roadway and utility easements. 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, 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 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 landowners described herein upon which to construct and maintain said roadway, streets, boulevards and necessary easements. An agreement and compromise as to the amount of just compensation to pay the respective landowners having been reached, it is necessary for public purposes to acquire the real properties owned by these landowners described herein upon which to construct and maintain said roadway, streets, sidewalks, boulevards, utilities 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: The Casteel Family Trust owns the real estate upon and along the Project area which is needed for the Project. The real estate in question is more particularly described below:

PART OF LOT 1 CURETON ADDITION AS SHOWN ON B.G. WILSON'S MAP OF THE CITY OF CONWAY AS SHOWN IN PLAT BOOK A, PAGE 46, RECORDS OF FAULKNER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1 NORTH 8.00'; THENCE EAST, PARALLEL TO THE NORTH RIGHT OF WAY OF TYLER STREET A DISTANCE OF 293.00' TO THE EAST LINE OF SAID LOT 1; THENCE ALONG SAID EAST LINE A DISTANCE OF 8.00' TO THE NORTH RIGHT OF WAY OF TYLER STREET; THENCE ALONG SAID RIGHT OF WAY 293.00' TO THE POINT OF BEGINNING, CONTAINING 2,344.00 SQUARE FEET, (0.0538 ACRES) MORE OR LESS.


SUBJECT TO PROPERTY LINE AGREEMENT AS ESTABLISHED IN DOC #2000-11616.

SECTION 3: 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, 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 4: 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 28th day of April, 2020.

APPROVED:



A handwritten signature in black ink, appearing to read 'Bart Castleberry', written over a horizontal line.

MAYOR BART CASTLEBERRY

ATTEST:



A handwritten signature in blue ink, appearing to read 'Michael O. Garrett', written over a horizontal line.

MICHAEL O. GARRETT, CITY CLERK