

**OFFICE OF THE CITY MANAGER
LITTLE ROCK, ARKANSAS**

**BOARD OF DIRECTORS COMMUNICATION
OCTOBER 20, 2015 BOARD MEETING**

| Subject: | Action Required: | Approved By: |
|--|---|---|
| <p>Authorizing use of eminent domain for Infrastructure Improvement Projects in Ward 1.</p> <p>Submitted By:</p> <p>Public Works Department</p> | <p>Ordinance ✓ Resolution Approval Information Report</p> | <p>Bruce T. Moore City Manager</p> |
| SYNOPSIS | <p>Authorizes the City Attorney to use eminent domain to complete acquisition of right-of-way, permanent and temporary construction easements and land for 26th Street (Project No. 1-82) and South Tyler Street (Project No. 1-13k) Improvement Projects. <i>These projects are in Ward 1.</i></p> | |
| FISCAL IMPACT | <p>Funding for these projects are available from the 3/8-Cent Capital Improvement and Compensating Use Tax for Streets and Drainage as authorized by Resolution No. 13,699.</p> | |
| RECOMMENDATION | <p>Approval of the resolution.</p> | |
| CITIZEN PARTICIPATION | <p>The project is an element of the 2013 Capital Improvement Plan previously endorsed by the Board at the May 21, 2013, meeting, via Resolution No. 13,699 following a series of fourteen (14) public Ward Meetings. One (1) additional public meeting was held to present the project design.</p> | |
| BACKGROUND | <p>City Staff is in the process of acquiring land and right-of-way necessary for numerous projects funded by bond and sales tax. The improvement project for 26th Street from Fair Park Boulevard to Harrison Street includes a total of seven (7) parcels of right-of-way. One (1) land owner cannot be located and all certified correspondence has been returned.</p> | |

**BACKGROUND
CONTINYED**

The matter needs to be referred to the City Attorney for acquisition through eminent domain. All other parcels have been acquired.

The improvement project for South Tyler Street from 30th Street to 32nd Street has nineteen (19) right-of-way parcels total. One (1) land owner cannot be located and all certified notices have been returned. Another owner has said they will not sign. All other parcels have been acquired.

Staff has made at least three (3) attempts to contact owners through Certified Mail, 1st Class Mail and where local, a visit to their last known address for delivery of a letter. These landowners have not been responsive or unwilling to cooperate.

It should be noted that the large majority of landowners have been fully cooperative. The City will continue to attempt to make contact with and negotiate with the property owner, but it is anticipated that condemnation action will be needed to move the project forward.