1	RESOLUTION NO
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3	A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN ON
4	WARD 1 IMPROVEMENT PROJECTS FOR 26 <sup>TH</sup> STREET AND SOUTH
5	TYLER STREET; AND FOR OTHER PURPOSES
6	
7	WHEREAS, attempts to acquire some right-of-way, permanent construction easements, and
8	temporary construction easements in Ward 1 that are necessary for the construction of 26 <sup>th</sup> Street (Projection of 26 <sup>th</sup> Street (Pr
9	No. 1-82) and South Tyler Street (Project No. 1-13k) Improvement Projects have been unsuccessful due
10	to a lack of response from the owners or refusal to grant easements; and
11	WHEREAS, staff has successfully acquired through market offers and negotiations all other
12	easements and right-of-way necessary to construct the projects without the use of eminent domain.
13	NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
14	OF LITTLE ROCK, ARKANSAS:
15	SECTION 1. The City Manager and City Attorney are hereby authorized to use eminent domain to
16	complete acquisition of right-of-way, temporary construction easements and permanent construction
17	easements necessary for construction of 26th Street and South Tyler Street Improvement Projects as
18	shown on the plans for right-of-way acquisition.
19	SECTION 2. Funding for these projects are available from the 3/8-Cent Capital Improvement and
20	Compensating Use Tax for Streets and Drainage as authorized by Resolution No. 13,699.
21	SECTION 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase
22	or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
23	adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
24	effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
25	resolution.
26	<b>SECTION 4.</b> <i>Repealer.</i> All laws, ordinances, resolutions, or parts of the same, that are inconsistent
27	with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.
28	<b>SECTION 5.</b> This resolution will be in full force and effect from and after the date of its adoption.
29	ADOPTED: October 20, 2015
30	ATTEST: APPROVED:
31	
32 33	Susan Langley, City Clerk Mark Stodola, Mayor

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## APPROVED AS TO LEGAL FORM: 1 2 3 4 **Thomas M. Carpenter, City Attorney** 5 // 6 // 7 // 8 // 9 // 10 // // 11 12 // // 13 // 14 15 // // 16 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // // 25 26 // 27 // 28 // 29 // 30 // // 31 // 32 33 //

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