1	RESOLUTION NO.
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3	A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN
4	ON WARD 6 IMPROVEMENT PROJECTS FOR 44 TH STREET, POTTER
5	STREET AND MALLOY STREET; AND FOR OTHER PURPOSES
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7	WHEREAS, attempts to acquire some right-of-way, permanent construction easements, and
8	temporary construction easements in Ward 6 that are necessary for the construction of for 44 th Street
9	(Project No. B-6d), Potter Street (Project No. 6-7a) and Malloy Street (Project No. 6-2) Improvement
10	Projects have been unsuccessful due to a lack of response from the owners or refusal to grant easements;
11	and
12	WHEREAS, staff has successfully acquired through market offers and negotiations all other
13	easements and right-of-way necessary to construct the projects without the use of eminent domain.
14	NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
15	OF LITTLE ROCK, ARKANSAS:
16	SECTION 1. The City Manager and City Attorney are hereby authorized to use eminent domain to
17	complete acquisition of right-of-way, temporary construction easements and permanent construction
18	easements necessary for construction of the 44th Street, Potter Street and Malloy Street Improvement
19	Projects as shown on the plans for right-of-way acquisition.
20	SECTION 2. Funding for these projects are available from the 3/8-Cent Capital Improvement and
21	Compensating Use Tax and the 2013 Capital Improvement Bonds for Streets and Drainage as authorized
22	by Resolution No. 13,699.
23	SECTION 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase,
24	or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
25	adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
26	effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
27	resolution.
28	SECTION 4. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent
29	with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.
30	SECTION 5. This resolution will be in full force and effect from and after the date of its adoption.
31	ADOPTED: October 20, 2015
32	ATTEST: APPROVED:
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35	Susan Langley, City Clerk Mark Stodola, Mayor

1	APPROVED AS TO LEGAL FORM:
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4 5	Thomas M. Carpenter, City Attorney
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