RESOLUTION NO. ______ A RESOLUTION AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES AND THE USE OF EMINENT DOMAIN ON THE GEYER SPRING RAILROAD GRADE SEPARATION PROJECT; AND FOR OTHER PURPOSES

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8 **WHEREAS,** the City of Little Rock has received a grant of Transportation Improvement Project 9 Funds through the Arkansas Highway Administration that includes funds for the acquisition of land, 10 right-of-way and easements for nine (9) parcels of right-of-way; and to pay eligible relocation expenses 11 for impacted businesses and residents; and,

WHEREAS, every effort will be made to negotiate the purchase of the parcels at fair market prices before taking further action, however, the authority to use eminent domain is needed to assure all parcels are acquired in a timely manner to meet the schedule requirements associated with the Federal Funding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. The City Manager is authorized to make relocation assistance payments to businesses and residents impacted by the project as approved by the Arkansas Highway and Transportation Department and allowed under the Uniform Acquisition and Relocation Assistance Act and Federal and State Regulations

Section 2. The City Manager and City Attorney are hereby authorized to use eminent domain if needed to complete acquisition of land, right-of-way, permanent and temporary construction easements for construction of the Geyer Spring Railroad Grade Separation Project between Hutig and 65th Street as shown on the plans for right-of-way acquisition.

Section 3. Funding for this project is available from a Transportation Improvement Grant Funds from the Federal Highway Administration with match funds and funds for acquisition services from the 2013 Capital Improvement Bonds for Streets and Drainage and the 3/8-Cent Capital Improvement Sales and Compensating Use Tax as authorized by Resolution No. 13,699, and as amended by Resolution No. 14,269. The estimated total project cost is Eleven Million Dollars (\$11,000,000.00).

30 Section 4. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase, or 31 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or 32 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and 33 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the 34 resolution.

1	 Section 5. <i>Repealer</i>. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency. Section 6. This resolution will be in full force and effect from and after the date of its adoption. ADOPTED: August 2, 2016 	
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5	ATTEST:	APPROVED:
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7 8	Susan Langley, City Clerk	Mark Stodola, Mayor
9	APPROVED AS TO LEGAL FORM:	
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11	Thomas M. Carpenter, City Attorney	
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