RESOLUTION NO. $\qquad$


#### Abstract

A RESOLUTION TO AUTHORIZE THE SETTLEMENT OF THREATENED LITIGATION AS TO THE CANCELLED SALE OF PROPERTY DESCRIBED AS LOT 34-R GRANDVIEW ADDITION TO THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS FOR A TOTAL AMOUNT OF NINETY-EIGHT THOUSAND DOLLARS (\$98,000.00); TO AUTHORIZE ENTRY INTO NECESSARY RELEASES AND DOCUMENTS TO END SUCH THREATENED LITIGATION; AND, FOR OTHER PURPOSES.


WHEREAS, a Building Permit was issued for the construction of a residence at a location designated Lot 34-R, Grandview Addition to the City of Little Rock, Pulaski County, Arkansas ("the Property") within the City of Little Rock, Arkansas ("the City"), on behalf of William Joseph and Jill Goodfellow Childers, who had purchased a lot for such purposes from Mark and Joellen Stodola; and,

WHEREAS, the Building Permit was suspended pending an inquiry into certain issues such as whether there was interference with a Utility Easement, and also a challenge that a lot splint could not accomplish the construction of another residential structure on the property; and,

WHEREAS, the City Construction Board of Adjustment and Appeals, after a public hearing, held that the Building Permit should be reissued for the construction of the structure; and,

WHEREAS, challenges continued to be made as to the legality of such action without a formal subdivision process, and as to whether the proposed residential structure could properly be built on the Property; and,

WHEREAS, the continued challenges to the building of the particular residence for the Childress's delayed construction, increased costs and otherwise interfered with both the sale and the purchase of the property which led to owners refunding to the owners the Three Hundred Thousand Dollars ( $\$ 300,000.00$ ) to the purchasers; however, this amount did not repay all costs incurred by the purchasers, or incurred by the owner, and,

WHEREAS, in an attempt to resolve all claims without litigation the parties have come to a mutual agreement to settle this dispute.

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 enter into a settlement agreement with William Joseph and Jill Goodfellow Childers, in an amount not to exceed Forty-Nine Thousand Dollars (\$49,000.00), and with Mark and Joellen Stodola, in an amount not to exceed Forty-Nine Thousand Dollars (\$49,000.00), to resolve any and all claims for damages currently stated, or which may otherwise arise in the future, as a result of the cancelled sale, purchase, or construction on the Property.

Section 2. Funds for this settlement agreement, upon receipt by the City of appropriate releases approved as to form by the Office of the City Attorney are available in Account No. $\qquad$ .

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the resolution.

Section 3. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

PASSED: September 5, 2023

ATTEST:

## Susan Langley, City Clerk

 APPROVED AS TO LEGAL FORM:
## APPROVED:

Frank Scott, Jr., Mayor

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Thomas M. Carpenter, City Attorney
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