

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

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

<b>Subject:</b>	<b>Action Required:</b>	<b>Approved By:</b>
<p>Authorizing Use of Eminent Domain for Infrastructure Improvement Projects in Ward 6.</p> <p><b>Submitted By:</b></p> <p>Public Works Department</p>	<p style="text-align: center;">Ordinance  <b>✓ Resolution</b>            Approval            Information Report</p>	<p style="text-align: center;">Bruce T. Moore            City Manager</p>
<b>SYNOPSIS</b>	<p>Authorizes the City Attorney to use eminent domain to complete acquisition of right-of-way, permanent and temporary construction easements and land for 44<sup>th</sup> Street (Project No. B-6d), Potter Street (Project No. 6-7a) and Malloy Street (Project No. 6-2) Improvement Projects. <i>These projects are in Ward 6.</i></p>	
<b>FISCAL IMPACT</b>	<p>Funding for these projects are available from the 3/8-Cent Capital Improvement and Compensating Use Tax and the 2013 Capital Improvement Bonds for Streets and Drainage as authorized by Resolution No. 13,699.</p>	
<b>RECOMMENDATION</b>	<p>Approval of the resolution.</p>	
<b>CITIZEN PARTICIPATION</b>	<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 each project design.</p>	
<b>BACKGROUND</b>	<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 44<sup>th</sup> Street, west of Potter Street includes a total of nineteen (19) parcels of right-of-way.</p>	

**BACKGROUND**

Two (2) land owners have refused to cooperate will need to be referred to the City Attorney for acquisition through eminent domain. All other parcels have been acquired.

The improvement project for Potter Street from Col. Glenn Road to 40<sup>th</sup> Street has fifteen (15) right-of-way parcels total. Nine (9) landowners have been un-responsive after numerous attempts to contact them through a combination of Certified Letters, 1<sup>st</sup> Class Letters and personal visits.

The improvement project for Malloy Street, west of Potter Street includes a total of thirty eight (38) parcels of right-of-way. Eighteen (18) land owners have refused to provide temporary easements so that their driveways can be re-constructed to meet the new street grade. All other parcels have been acquired

Staff has made at least three attempts to contact owners through Certified Mail, 1<sup>st</sup> 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.