RESOLUTION NO. _________________

A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN ON WARD 1 IMPROVEMENT PROJECTS FOR 26TH STREET AND SOUTH TYLER STREET; AND FOR OTHER PURPOSES

WHEREAS, attempts to acquire some right-of-way, permanent construction easements, and temporary construction easements in Ward 1 that are necessary for the construction of 26th Street (Project No. 1-82) and South Tyler Street (Project No. 1-13k) Improvement Projects have been unsuccessful due to a lack of response from the owners or refusal to grant easements; and

WHEREAS, staff has successfully acquired through market offers and negotiations all other easements and right-of-way necessary to construct the projects without the use of eminent domain.

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

SECTION 1. The City Manager and City Attorney are hereby authorized to use eminent domain to complete acquisition of right-of-way, temporary construction easements and permanent construction easements necessary for construction of 26th Street and South Tyler Street Improvement Projects as shown on the plans for right-of-way acquisition.

SECTION 2. Funding for these projects are available from the 3/8-Cent Capital Improvement and Compensating Use Tax for Streets and Drainage as authorized by Resolution No. 13,699.

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 4. Repealer. 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ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.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 5. This resolution will be in full force and effect from and after the date of its adoption.

ADOPTED: October 20, 2015

ATTEST: APPROVED:

_____________________________________  ______________________________________
Susan Langley, City Clerk    Mark Stodola, Mayor
APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney