

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

**BOARD OF DIRECTORS COMMUNICATION
FEBRUARY 4, 2014 AGENDA**

Subject:	Action Required:	Approved By:
<p>A resolution to authorize the use of eminent domain to acquire property necessary for the renovation and improvement of Robinson Auditorium</p>	<p style="text-align: center;">Ordinance √ Resolution Approval Information Report</p>	<p style="text-align: center;">Bruce T. Moore City Manager</p>
SYNOPSIS	<p>This resolution authorizes the City Attorney, or someone at his direction, to take all legal steps necessary to obtain unencumbered title to a small parcel of property necessary for the renovation and improvement to Robinson Auditorium.</p>	
FISCAL IMPACT	<p>Unknown at this time. If the matter is resolved by negotiation, it may not require any payment but certain concessions with the renovation and construction at the Robinson Auditorium. Otherwise, if all else fails, a trial may be required to adjudicate the fair market value of the property condemned if an amount cannot be reached settlement between the parties.</p>	
RECOMMENDATION	<p>Approval of the resolution</p>	
CITIZEN PARTICIPATION	<p>The citizens voted on December 10, 2013, to permit proceeds from the A&P (hamburger) Tax to be bonded to fund renovations and improvements to Robinson Auditorium.</p>	

BACKGROUND

There is a small portion of the property that the City owns, but which it has leased to Capital City Hotel, the company that owns and operates the Doubletree Hotel. The property is an elevated and supported rectangle presently occupied by a driveway that connects Broadway Street and the back of the hotel.

Section 24.1 of the lease agreement between the City and the hotel deals with how the parties are to handle condemnation actions.

The preferred outcome is to negotiate an agreement with the hotel regarding the property in question. If that is successful, then the use of eminent domain will not be required. However, if the parties cannot come to an agreement, the City needs to be able to move forward with renovations and improvements as quickly as possible. This ordinance, then, provides the authority for such an action to be filed to condemn the leasehold. The City has such authority pursuant to Ark. Code Ann. § 18-15-201 (West 2004), and 14-269-103 (West 2004).

If condemnation is required, it is possible that the Mitchell Law Firm, which represents the Little Rock A&P Commission, will actually conduct the legal work. If so, it will be at the request of the City Attorney and will be paid for by the Little Rock A&P Commission